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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER

05-17

WHEREAS, I have been advised by the Director of the Department of Natural Resources that parts of the State of Missouri have suffered a prolonged period of low precipitation since February, 2005; and

WHEREAS, the prolonged shortage of precipitation, low stream levels, low soil moisture conditions, and a low Palmer Drought Index have persisted for several months indicating a moderate drought level; and

WHEREAS, early response to pending drought can greatly reduce negative impacts upon Missouri citizens; and

WHEREAS, State and Federal agencies have many interdependent roles in identifying and mitigating drought impacts; and

WHEREAS, the State Water Resources Plan established pursuant to section 640.415, RSMo, has authorized the development of the Missouri Drought Response Plan; and

WHEREAS, the Missouri Drought Response Plan calls for intergovernmental communication, cooperation and coordination of efforts in drought mitigation activities.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby declare a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne.

I order and direct the Director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee and request that all Missouri and Federal agencies participate as needed.

All State Agencies are hereby directed to examine how we may assist currently and future affected communities through temporary suspension of administrative rules, appropriation or other means of support to mitigate the effects of the drought conditions.

This Executive Order shall be effective immediately and shall remain in effect until termination by my further order.



ATTEST:

IN WITNESS WHEREOF, I have
hereunto set my hand and caused to
be affixed the Great Seal of the State
of Missouri, in the City of Jefferson,
on this 5th day of July, 2005.

A handwritten signature in black ink, reading "Matt Blunt". The signature is written in a cursive style with a large, stylized "M" and "B".

Matt Blunt
Governor

A handwritten signature in black ink, reading "Robin Carnahan". The signature is written in a cursive style with a large, stylized "R" and "C".

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
05-18**

WHEREAS, the Department of Insurance is charged with the execution and administration of laws related to insurance pursuant to Section 374.010, RSMo; and

WHEREAS, in 2005 the General Assembly Truly Agreed to and Finally Passed House Committee Substitute for House Bill No. 388, (HB 388) which makes certain documents that are submitted to the Department of Insurance non-public documents, including information in consumer complaint files and information submitted by an insurer or producer for purposes of investigation; and

WHEREAS, the purpose of HB 388 is to protect consumer privacy, such as confidential medical, financial and other personal information; and

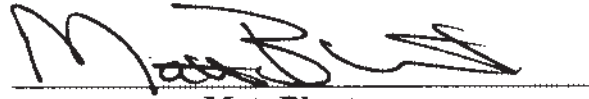
WHEREAS, HB 388 also provides that the Department may release an incident report record consisting of the date and immediate facts and circumstances surrounding the initial consumer report or complaint;

WHEREAS, it is in the public interest for the Department to release incident reports with summary information that makes available public information about each report or complaint.

NOW THEREFORE, I, Matt Blunt, Governor of Missouri, by virtue and authority vested in me by the Constitution and laws of the State of Missouri, do hereby direct the Director of the Department to adopt administrative rules as follows to protect consumer privacy while at the same time provide relevant information about insurance companies to the public:


1. Create policies and procedures for the release of incident reports upon request, which summarize the facts and circumstances surrounding the initial report or complaint;
2. Create policies and procedures for the release of complaint data, which allows consumers to make informed decisions in selecting an insurer; and
3. Modify the Department's complaint form and create necessary policies and procedures so that consumers have the option to pre-authorize the Department to publicly release on the consumer's behalf a complete copy of the submitted complaint to any interested person.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused to be affixed the
Great Seal of the State of Missouri, in the
City of Jefferson, on this 12th day of July,
2005.



Matt Blunt
Governor

ATTEST:



Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 4—Vendor Payroll Deduction Regulations

PROPOSED AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions.
The commissioner is amending section (2) and adding section (5).

PURPOSE: The rule is being amended to reflect the changes in the vendor payroll deductions resulting from the adoption of 33.103.3(3), RSMo which provides that the commissioner of administration may include as an option in the state cafeteria plan eligible products from voluntary state payroll deductions, subject to regulation and including payment by the vendors for the state cost of administering the deductions. We have also defined the minimum number of deductions to maintain deduction authority and the requirement for a primary point of contact.

(2) The following requirements apply to payroll deductions:

[(D) The vendor must obtain a written request for each proposed new payroll deduction from a department director or university president in the executive branch or chief administrative officer in the legislative or judicial branch;]

*[(E)/(D) The vendor must provide the Office of Administration a request for payroll deduction in writing on official company or association stationery plus all relevant product information and marketing materials that fully describe the proposed product *and a copy of the sponsorship letter obtained as required in subsection (2)/(D)*];*

[(F)/(E) Within a period of ninety (90) days, the vendor applicant for payroll deduction authority must obtain a minimum of one hundred (100) state employee-signed applications for the proposed product, employee association or credit union membership. The ninety (90)-day period for obtaining one hundred (100) employee signatures will commence on the date designated by the Office of Administration acknowledgment to a payroll deduction request required in subsection (2)/(E)/(D);

(F) The commissioner of administration shall terminate voluntary payroll deduction authority for any product that does not maintain at least one hundred (100) active employee deductions;

(G) Solicitation by a vendor of signed employee applications or memberships may not be performed in state facilities at any time; *and*

(H) Labor unions are not required to comply with subsections (2)(D)–(F) to become a vendor and collect dues, but must be recognized as an exclusive bargaining representative by separate resolution agreement with the commissioner of administration in accordance with sections 36.510 and 105.500–105.525, RSMo./; *and*

(I) Vendors must maintain a current primary point of contact with the Office of Administration.

(5) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the United States Code and compliant with the state cafeteria plan rule 1 CSR 10-15.010.

AUTHORITY: sections 33.103, 536.010 and 536.023, RSMo Supp. [2003] 2004 and 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. Amended: Filed Aug. 15, 2003, effective Jan. 30, 2005. Amended: Filed July 15, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Division of Accounting, Jack Dothage, Assistant Director, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 1—OFFICE OF ADMINISTRATION Division 10—Commissioner of Administration Chapter 15—Cafeteria Plan

PROPOSED AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending section (2) and Appendix A, B and C.

PURPOSE: The rule is being amended to reflect the changes in the state cafeteria plan resulting from the adoption of 33.103.3(3), RSMo which provides that the commissioner of administration may include as an option in the state cafeteria plan eligible products from voluntary state payroll deductions, subject to regulation and including payment by the vendors for the state cost of administering the deductions. We have also updated the rule to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(2) The commissioner of administration shall maintain the cafeteria plan, the dependent care assistance plan and the flexible medical benefits plan, in written form, denominated as the Missouri State Employees' Cafeteria Plan (Appendix A), the Missouri State Employees' Dependent Care Assistance Plan (Appendix B) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C), which are *[incorporated in this rule by reference]* **included herein**, for Plan Year 1998 and years following.

APPENDIX A
MISSOURI STATE EMPLOYEES' CAFETERIA PLAN

The State of Missouri through the Office of Administration hereby amends and restates the Missouri State Employees' Cafeteria Plan (hereinafter called the MSEC) effective January 1, ~~2001~~ **2006**. The provisions of the MSEC, as set forth in this document and the attendant documents for the Missouri State Employees' Dependent Care Assistance Plan (Appendix B, hereinafter called the MSEDCA) and the Missouri State Employees' Flexible Medical Benefits Plan (Appendix C, hereinafter called the MSEMFB), shall be applicable to each employee of the State of Missouri who elects to participate in the MSEC beginning with Plan Year ~~2001~~ **2006**.

ARTICLE ONE
DEFINITIONS

1.01 "Account" means the account(s) maintained under the MSEC by the Plan Administrator to which allocations of employer contributions are made for each participant as required by the MSEC and from which ~~benefit~~ payments, as permitted by the MSEC, shall be paid.

1.03 "Employer" means ~~The~~ the State of Missouri **including any agency, or department of the State of Missouri other than the University of Missouri and Southeast Missouri State University.**

1.09 "FMLA" means the Family and Medical Leave Act of 1993, as amended.

ARTICLE THREE
ELIGIBILITY AND PARTICIPATION

3.01 The MSEC does not apply to any individual who terminated employment with the employer prior to the effective date of this amended and restated MSEC (January 1, ~~2001~~ **2006**) unless such individual becomes reemployed by the employer on or after such effective date.

3.02 Any employee who is on the payroll of the employer as of the effective date is eligible to become a participant at the beginning of each Plan Year. Any eligible employee, except any employee subject to the provisions of the MSEC, section 3.03, who chooses not to become a participant at the beginning of each Plan Year will not again become eligible for participation in the MSEC until the beginning of the next Plan Year, except as provided under the MSEC, section ~~3.07~~ **3.09**.

3.04 Subject to the provisions of the MSEC, section 3.05, an eligible employee shall become a participant for any Plan Year by specifying on the appropriate election form or in an alternate prescribed manner, agreement to and authorization for the reduction of the participant's compensation by a permissible amount for credit to the participant's account as maintained by the Plan Administrator. For purposes of the first sentence of this paragraph, the term "permissible amount" (unless and until subsequently changed by appropriate action of the Office of Administration and notice of such change is provided to all participants) means an amount(s) determined by the participant which is (are):

(a) not more than the expected total cost or premium during the Plan Year in the case of the State-Sponsored Medical Insurance benefit described in the MSEC, section 4.01(a);

(b) not more than five thousand dollars (\$5,000) in the case of the Flexible Medical Benefits benefit described in the MSEC, section 4.01(b);

(c) not more than five thousand dollars (\$5,000) in the case of the Dependent Care Assistance benefit described in the MSEC, section 4.01(c);

(d) not more than the expected total cost or premium during the Plan Year in the case of the State-Sponsored Dental Insurance benefit described in the MSEC, section 4.01(d);

(e) not more than the expected total cost or premium during the Plan Year in the case of the State-Sponsored Vision Care Insurance benefit described in the MSEC, section 4.01(e). In the event of any change in the permissible amount, the resulting new permissible amount must be nondiscriminatory (as defined in Section 125 of the *Internal Revenue Code*) in its application to participants~~./~~; In the case of the insurance benefits described in the MSEC, sections 4.01(a), 4.01(d), and 4.01(e), the permissible amount elected by the employee must be consistent with or will automatically be changed to reflect the actual rate in effect at the start of the coverage period.

(f) **not more than the expected sum of the total cost or premium during the Plan Year in the case of any other product or products eligible under Section 125 of Title 26 of the *United States Code*, as described in MSEC section 4.01(g).**

In the case of the insurance benefits or products described in the MSEC, sections 4.01(a), 4.01(d), 4.01(e), and 4.01(g) the permissible amount elected by the employee must be consistent with the actual rate in effect at the start of the coverage period or it will automatically be changed to reflect the actual rate in effect at the start of the coverage period.

3.05 Except as otherwise provided in the MSEC, section 3.03, the authorization required by the provision of the MSEC section 3.04 must be submitted to the Plan Administrator **by a date established by the Plan Administrator which shall be** prior to the first day of the applicable Plan Year. Any employee who becomes a participant pursuant to the MSEC, section 3.03 shall be allowed to submit the required authorization with the Plan Administrator no later than one hundred twenty (120) days from the date of employment.

3.06 Any employee who fails to make an election when first eligible under section 3.04 or 3.05 shall be deemed to have elected to not receive any benefits described in sections 4.01(a), 4.01(b), 4.01(c), 4.01(d), 4.01(e), and 4.01(g) and to receive his or her entire compensation in cash.

[3.06] 3.07 Any employee duly enrolled and participating in one or more of the insurance *[benefits]* **plans** described in the MSECP, sections 4.01(a), 4.01(d), *[or]* 4.01(e), **or 4.01(g)**, shall be considered to have re-enrolled and to have submitted the required authorization to continue participation in the same *[benefit]* **plan(s)** for the subsequent Plan Year at an amount equal to the total expected annual cost or premium based on the rate in effect as of January 1 of that subsequent Plan Year. A participant who does not wish to continue an insurance *[benefit]* **plan** under the Cafeteria Plan for a subsequent Plan Year must so specify on the appropriate election form or in an alternate prescribed manner prior to the start of the subsequent Plan Year.

3.08 Any employee who elects pursuant to an authorization under section 3.05 of this Plan an amount under the Flexible Medical Benefits described in the MSECP, section 4.01(b) or the Dependent Care Assistance benefit described in the MSECP, section 4.01(c) for any Plan Year shall be deemed to have also made an election to receive benefits under sections 4.01(a), 4.01(d), 4.01(e), and 4.01(g) to the extent the participant's share of premiums (if any) for any benefits under sections 4.01(a), 4.01(d), 4.01(e), and 4.01(g). However, a participant who would otherwise be deemed to have made an election for benefits described in sections 4.01(a), 4.01(d), 4.01(e), and 4.01(g) due to this paragraph may make an election to not receive benefits under section 4.01(a), 4.01(d), 4.01(e), or 4.01(g) by so indicating on the Enrollment Form or in the alternate prescribed manner.

[3.07] 3.09 Permitted Election Changes.

(a) Following the commencement of any Plan Year for which an employee elects to participate in the MSECP, the authorization filed with the Plan Administrator for such Plan Year may neither be changed nor revoked except as provided in this section. An employee may revoke an election during a period of coverage and make a new election for the remainder of the relevant coverage period only as provided in paragraphs (b) through (h) of this section.

(b) Special enrollment rights. An employee may revoke an election for a benefit described under Article Four, section 4.01(a), 4.01(d), or 4.01(e) and make a new election that corresponds with the special enrollment rights provided in *Internal Revenue Code* Section 9801(f) *[(HIPPA)] HIPAA*, whether or not the change in election is permitted under paragraph (c) of this section.

(c) Changes in status.

1. An employee may revoke an election and make a new election for the remaining portion of the period if, under the facts and circumstances—

(i) A change in status occurs; and

(ii) The election change satisfies the consistency requirement in paragraph (c)(3) of this section.

2. Change in status events. The following events are changes in status for purposes of this paragraph (c)—

(i) Legal marital status. Events that change an employee's legal marital status, including marriage, death of spouse, divorce, legal separation, or annulment;

(ii) Number of dependents. Events that change an employee's number of dependents (as defined in *Internal Revenue Code* Section 152), including birth, adoption, placement for adoption (as defined in regulations under *Internal Revenue Code* Section 9801), or death of a dependent, or in the case of Dependent Care, a change in the number of qualifying individuals as defined in the *Internal Revenue Code* Section 21(b)(1);

(iii) Employment status. Any of the following events that change the employment status of the employee, spouse, or dependent is considered a change in status. A termination, commencement of employment, a strike or lockout, a commencement of or return from an unpaid leave of absence of more than thirty (30) days, change in worksite, or any other employment status change that affects eligibility under this plan or employee benefit plan of the employer of the spouse or dependent;

(iv) Dependent satisfies or ceases to satisfy the requirements for unmarried dependents. An event that causes an employee's dependent to satisfy or cease to satisfy the requirements for coverage due to attainment of age, student status, or any similar circumstances as provided in the accident or health plan under which the employee receives coverage; and

(v) Residence. A change in the place of residence of the employee, spouse, or dependent.

3. Consistency rule—

(i) General rule. An employee's revocation of a Cafeteria Plan election during a period of coverage and new election for the remaining portion of the period (referred to as an "election change") is consistent with a change in status if, and only if—

(A) The change in status results in the employee, spouse, or dependent gaining or losing eligibility for coverage under either the Cafeteria Plan or a plan of the spouse's or dependent's employer; and

(B) The election change corresponds with that gain or loss of coverage.

(ii) If the change in status is the employee's divorce, annulment or legal separation from a spouse, the death of a spouse or dependent, or a dependent ceasing to satisfy the eligibility requirements for coverage, an employee's election under the cafeteria plan to cancel accident or health insurance coverage for any individual other than the spouse involved in the divorce, annulment or legal separation, the deceased spouse or dependent, or the dependent that ceased to satisfy the eligibility requirements for coverage, respectively, fails to correspond with that change in status. Thus, if a dependent dies or ceases to satisfy the eligibility requirements for coverage, the employee's election to cancel accident or health coverage for any other dependent, for the employee, or for the employee's spouse fails to correspond with that change in status.

In addition, if an employee, spouse, or dependent gains eligibility for coverage under a plan provided by the employer of the spouse or dependent as a result of a change in marital status or a change in employment status, the employee may cease or decrease coverage for that individual only if coverage for that individual becomes applicable or is increased under that employer's plan.

(iii) A change in status results in an employee, spouse, or dependent gaining (or losing) eligibility for coverage under a plan only if the individual becomes eligible (or ineligible) to participate in the plan. An individual is considered to gain or lose eligibility for coverage if the individual becomes eligible (or ineligible) for a particular *[benefit]* package option under a plan (e.g., a change in status results in an individual becoming eligible for a managed care option or an indemnity option). If, as a result of a change in status, the individual gains eligibility for elective coverage under a plan of the spouse's or dependent's employer, the consistency rule of this paragraph (c)(3)(i) is satisfied only if the individual elects the coverage under the spouse's or dependent's employer.

(iv) Exception for COBRA. Notwithstanding paragraph (c)(3)(i) of this section, if the employee, spouse, or dependent becomes eligible for continuation coverage under any of the employer's health plans described in sections 4.01(a), 4.01(d), *[or]* 4.01(e), **or 4.01(g)** as *[provided]* **required** under COBRA or any similar state law, the employee may elect to increase payments under the Cafeteria Plan in order to pay for the continuation coverage.

(v) Except as provided in this paragraph the provisions of paragraph (c) apply to an election change under a benefit described under Article 4.01(b). A participant may reduce an election for a benefit described under 4.01(b) due to a change in status if and only if the employee's legal marital status changes due to death, divorce, annulment, or legal separation, or there is a reduction in the number of dependents of the employee (as defined in section 152 of the *Internal Revenue Code*) due to death.

(d) Judgment, decree, or order. This paragraph (d) applies to a judgment, decree, or order ("order") resulting from a divorce, legal separation, annulment, or change in legal custody (including a qualified medical child support order defined in section 609 of the Employee Retirement Income Security Act of 1974) that requires accident or health coverage for an employee's child. Notwithstanding the provisions of paragraph (c) of this section, an employee may—

1. Make an election change to a *[benefit]* **plan** described under sections 4.01(a), 4.01(b), 4.01(d), *[or]* 4.01(e), **or 4.01(g)** to provide coverage for the child if the order requires coverage under the employee's plan; or

2. Make an election change to a *[benefit]* **plan** described under sections 4.01(a), 4.01(b), 4.01(d), *[or]* 4.01(e), **or 4.01(g)** to cancel coverage for the child if the order requires the former spouse to provide coverage.

(e) Entitlement to Medicare or Medicaid. If an employee, spouse, or dependent becomes entitled to coverage (i.e., enrolled) under Part A or Part B of Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under section 1928 of the Social Security Act (the program for distribution of pediatric vaccines), an employee may make an election change to a *[benefit]* **plan** described under sections 4.01(a), 4.01(d), *[or]* 4.01(e), **or 4.01(g)** to cancel coverage of that employee, spouse, or dependent under the accident or health plan. In addition, if an employee, spouse, or dependent who has been entitled to such coverage under Medicare or Medicaid loses eligibility for such coverage, an employee may make an election change to commence or increase coverage under a *[benefit]* **plan** described under sections 4.01(a), 4.01(d), *[or]* 4.01(e), **or 4.01(g)**.

(f) Coverage or cost changes. Changes allowed under this section are not applicable to Flexible Medical Benefits as described in section 4.01(b). Therefore, no changes to an election for Flexible Medical Benefits is allowed due to events described in this section (f).

1. Cost changes. A participant's election for a *[benefit]* **plan** described under Article 4.01(a), 4.01(d), *[or]* 4.01(e), **or 4.01(g)** will automatically be changed to reflect a change in the cost of coverage. Alternatively, if the premium amount significantly increases a participant may revoke an election and, in lieu thereof, to receive on a prospective basis, coverage under another health plan with similar coverage.

2. Coverage changes. If the coverage under a plan is significantly curtailed or ceases during a period of coverage, affected employees may revoke their election under the plan and may make a new election on a prospective basis for coverage under another *[benefit]* package option providing similar coverage. Coverage under an accident or health plan is significantly curtailed only if there is an overall reduction in coverage provided to participants under the plan so as to constitute reduced coverage to participants generally. For example, the loss of a participant's primary care physician would not be a significant curtailment because it does not affect participants in general.

Addition (or elimination) of *[benefit]* package option providing similar coverage. If during a period of coverage the plan adds a new *[benefit]* **plan** package option or other coverage option (or eliminates an existing *[benefit]* **plan** package option or other coverage option) affected employees may elect the newly-added option (or elect another option if an option has been eliminated) prospectively and make corresponding election changes with respect to other *[benefit]* **plan** package options providing similar coverage.

3. Change in coverage of spouse or dependent under other employer's plan. An employee may make a prospective election change to a *[benefit]* **plan** described under sections 4.01(a), 4.01(d), *[and]* 4.01(e), **or 4.01(g)** that is on account of and corresponds with an election made under the plan of the spouse's, former spouse's or dependent's employer if the period of coverage under the cafeteria plan or qualified *[benefits]* plan of the spouse's, former spouse's, or dependent's employer only allows elections for periods of coverage different than the Plan Year for the MSECP.

(g) Special requirements concerning the Family and Medical Leave Act.

An employee taking FMLA leave may revoke an existing election for the remaining portion of the coverage period. Upon returning from FMLA leave, an employee may choose to be reinstated in any benefit described under this plan if such coverage was terminated during the FMLA leave (either by revocation or nonpayment of premiums). Such reinstatement will be on the same terms as prior to taking FMLA leave. However, the employee has no greater right to benefits for the remainder of the Plan Year than an employee who has been continuously working during the Plan Year. In addition to the rights granted under FMLA, such an employee has the right to revoke or change elections under the same terms and conditions as are available to employees participating in the Cafeteria Plan who are not on FMLA leave.

If an employee's coverage under a benefit described in section 4.01(b) or 4.01(c) terminates while the employee is on FMLA leave, the employee is not entitled to receive reimbursements for claims incurred during the period when the coverage is terminated. If that employee subsequently elects to be reinstated in a benefit previously terminated upon return from FMLA leave for the remainder of the Plan Year, the employee may not retroactively elect coverage for claims incurred during the period when the coverage was terminated. Further, the employee is not entitled to greater benefits relative to premiums paid than an employee who has been continuously working during the Plan Year. Therefore, if an employee elects to be reinstated in a benefit described above upon return from FMLA leave, the employee's coverage for the remainder of the Plan Year is equal to the employee's election for the 12-month period of coverage (or such shorter period as provided under section 3.03 or this section *[3.07/3.09]*, prorated for the period during the FMLA leave for which no premiums were paid, and reduced by prior reimbursements.

(h) Effective date of election changes.

Any increase in the election amount designated by a participant made due to a change in status may include only those expenses which the participant expects to incur at a time during the period of coverage subsequent to the effective date of the increase. Any increase or decrease to an election amount for a program described in the Plan document under Article Four, section 4.01(b) or 4.01(c) shall be effective with the first day of the month coincident with or next following the Plan Administrator's receipt and approval of written notification of the new election. Any increase or decrease to an election amount for a program described in the Plan document under Article Four, section 4.01(a), 4.01(d), *[or]* 4.01(e), **or 4.01(g)** shall be effective with the first required premium payment after the event.

[3.08/3.10] If participation terminates due to a separation of service and the individual returns to eligible employment within thirty (30) days

in the same Plan Year, then the participant's election will be reinstated as it was immediately prior to the separation of service. If participation terminates due to a separation of service and the individual returns to eligible employment after thirty (30) days in the same Plan Year, then the participant may make a new election for the remainder of the Plan Year. If salary reduction contributions were not made during the separation of service, the participant will not be able to be reimbursed for expenses incurred under benefits described under sections 4.01(b) and 4.01(c) during the separation.

3.11 A claim that is determined to be fraudulent by the Plan Administrator shall be denied. The administrator shall refer any fraud to the Office of Administration which will forward the matter to the employee's department and appropriate law enforcement for further action. The employee making a fraudulent claim shall be barred from future participation in the plan.

ARTICLE FOUR AVAILABLE SELECTION OF [BENEFITS] PLAN CATEGORIES

4.01 In general, employees may choose to participate in any one or more of the following [benefit] plan categories offered under the MSECP:

(a) State-Sponsored Medical Insurance—This [benefit] category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee. The term plan or program, for purposes of this article, shall include any group insurance or other plan which is either provided by the Missouri Consolidated Health Care Plan (MCHCP), or is obtained by competitive bid and is not duplicative of any other plan provided by the MCHCP. This article shall expressly include any Health Maintenance Organization (HMO) to which the employer makes a contribution on behalf of a participant;

(b) Flexible Medical Benefits—This [benefit] category provides for payment to the participant of the cost of medical care for the participant or spouse or dependents of the participant. Such expenses must be incurred pursuant to the terms of the separate but related MSEFMBP (Appendix C), established in conjunction with the MSECP;

(c) Dependent Care Assistance—This [benefit] category provides for payment to the participant of employment-related expenses for the care of the spouse or dependents of the participant. Such expenses must be incurred pursuant to the terms of the separate but related MSED-CAP (Appendix B) established concurrently with the MSECP;

(d) State-Sponsored Dental Insurance—This [benefit] category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee. The term plan or program, for purposes of this article, shall include any group insurance or other plan which is either provided by the Missouri Consolidated Health Care Plan (MCHCP), or is obtained by competitive bid and is not duplicative of any other plan provided by the MCHCP;

(e) State-Sponsored Vision Care Insurance—This [benefit] category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides vision care benefits or vision care insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee. The term plan or program, for purposes of this article, shall include any group insurance or other plan which is either provided by the Missouri Consolidated Health Care Plan (MCHCP), or is obtained by competitive bid and is not duplicative of any other plan provided by the MCHCP; [and]

(f) Cash/.; and

(g) Other Products—This category provides for the direct payment to the insurance provider of the participant's share of the cost or premium for coverage under any plan or program which provides any other product eligible under Section 125 of the *United States Code*, to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of status as an employee.

ARTICLE FIVE GENERAL PROVISIONS REGARDING [BENEFITS] PLANS

5.01 No expenditure of any nature shall qualify for payment or reimbursement under the MSECP unless the expense is for the participant, the participant's spouse, or the participant's dependent. Such expenses must be incurred during the participant's period of coverage and must be related to the particular [benefit] plan election made by the participant at the time of enrollment for the period of coverage. For purposes of the MSECP, a period of coverage is any Plan Year (including an initial short Plan Year) or, in the case of participants subject to the MSECP, section 3.03, a period of coverage extends from the effective date of enrollment through the end of the Plan Year. In the case of medical expenses, an expense will be considered as having been incurred at the time the medical care related to the expense is provided and not at the time the expense is charged, billed or paid. Similarly, in the case of dependent care expenses, an expense will be considered as having been incurred at the time the dependent care related to the expense is provided.

ARTICLE SIX CONTRIBUTIONS TO PARTICIPANT ACCOUNTS

6.01 Except as provided in the MSEFMBP, section 6.03 or Article VII, contributions to the account of each participant shall be made only by the employer and shall be made as follows: On the participant's regular pay date during each Plan Year, the employer shall cause to be contributed for credit to the account of said participant an amount equal to the sum of the permissible amounts elected by the participant for all [benefits] plans selected for the Plan Year divided by the number of the participant's regular pay dates in the Plan Year subsequent to the participant's effective date of participation.

ARTICLE SEVEN
ADMINISTRATION

7.02 The Plan Administrator shall make all determinations required respecting administration of the MSECP, including determinations as to the right of any person to a *[benefit]* plan under the MSECP. Such determinations are final as approved by the Plan Administrator.

7.07 Vendors of products included in 4.01(g) must comply with 1 CSR 10-4.010 and also agree to a fee for the cost of administration, set by the Commissioner of Administration.

ARTICLE EIGHT
MISCELLANEOUS

8.03 Products included under 4.01(g) are not endorsed or provided by the State of Missouri. Solicitation by a vendor of signed employee applications or memberships may not be performed in State facilities at any time.

APPENDIX B
MISSOURI STATE EMPLOYEES' DEPENDENT CARE ASSISTANCE PLAN

The State of Missouri hereby establishes for the benefit of its employees a Dependent Care Assistance Plan (hereinafter called the MSDECAP) intended to conform to the requirements of paragraphs (2) through (8) of subsection (d) of Section 129 of the *Internal Revenue Code* of 1986, and in association with the Missouri State Employees' Cafeteria Plan, (Appendix A; hereinafter called the MSECP), established concurrently herewith.

ARTICLE FOUR
LIMITATIONS AND RESTRICTIONS ON PAYMENTS FROM THE PLAN

4.01 No direct payment to a participant or reimbursement to a participant for Dependent Care Assistance may be made from the MSDECAP unless the total assistance amount, including all other amounts paid to the participant for Dependent Care Assistance during the same Plan Year, does not exceed the lesser of: (a) five thousand dollars (\$5,000) (twenty-five hundred dollars (\$2,500) in the case of a married individual filing a separate return), or (b) the wages, salaries and other employee compensation of the participant if unmarried or if the participant is married does not exceed the lesser of such employee compensation of the participant or that of the participant's spouse. For purposes of this paragraph, employee compensation shall not include the total of the permissible amounts selected under the related MSECP. For each month during which a spouse is a full-time student or incapable of independent self-care, said spouse shall be deemed to be gainfully employed and to have employee compensation of two hundred fifty dollars *[\$200]* (\$250) if there is only one (1) child or dependent and *[four]* five hundred dollars *[\$400]* (\$500) if there are two (2) or more children or dependents. A spouse is a student only if during each of five (5) calendar months during the Plan year said spouse is a full-time student at an education organization described in *Internal Revenue Code* Section 170(b)(1)(A)(ii).

APPENDIX C
MISSOURI STATE EMPLOYEES' FLEXIBLE MEDICAL BENEFITS PLAN

The State of Missouri hereby establishes for the benefit of its employees a Flexible Medical Benefits Plan (hereinafter called the MSEFMBP) intended to conform to the requirements of Section 105(b) of the *Internal Revenue Code* of 1986 and in association with the Missouri State Employees' Cafeteria Plan (Appendix A, hereinafter called the MSECP), established concurrently herewith.

ARTICLE ONE
DEFINITIONS

1.01 "Medical care expense" means *[any health-related expenditure which meets the criteria as a deductible medical expense under Section 213 of the Internal Revenue Code (disregarding the 7.5% exclusion) with the specific exception of premiums or contributions made to any other health or accident plan (whether or not maintained by the employer) and long-term care expenses.]* expenses incurred by a participant, spouse or dependent for medical care to the extent that the participant or other person incurring the expense is not reimbursed for the expense through any other accident or health plan, as defined in *United States Code* Section 213(d). Expenses for premiums or contributions made to any other health or accident plan (whether or not maintained by the employer) and long-term care expenses are not considered Medical Care Expenses for the purposes of this Plan.

1.04 "Covered individual" means the participant, the participant's spouse or a dependent of the participant as defined in the MSECP.

1.05 "Employer" means the State of Missouri including any agency, or department of the State of Missouri other than the University of Missouri and Southeast Missouri State University.

1.06 "PHI" means protected health information.

1.07 "Protected health information" means information that is created or received by MSEFMBP and relates to the past, present, or future physical or mental health or condition of a covered individual; the provision of health care to a covered individual; or the past, present, or future payment for the provision of health care to a covered individual; and that identifies the covered individual or for which there is a reasonable basis to believe the information can be used to identify the covered individual. Protected health information includes information of persons living or deceased.

ARTICLE THREE ELIGIBILITY

3.03 No participant in this MSEFMBP may modify or revoke an election with respect to the Plan Year, except under the conditions specified in MSECP, section [3.07] 3.09. In no case may a decrease in the amount of election result in a return of contributions to the participant.

ARTICLE SEVEN FAMILY AND MEDICAL LEAVE

7.02 An employee who continues coverage while on **paid or unpaid** FMLA leave may choose from one or *[more]* **both** of the following payment options. These options are referred to in this section as *pre-pay[,]* **and** *pay-as-you-go [and catch-up]*. The catch-up option is only available while the employee is on an unpaid FMLA leave.

(a) Pre-pay.

(1) Under the pre-pay option, an employee may pay, prior to commencement of the FMLA leave period, the amounts due for the FMLA leave period.

(2) Contributions under the pre-pay option may be made on a pre-tax salary reduction basis from any taxable compensation.

(3) Contributions under the pre-pay option may also be made on an after-tax basis.

(b) Pay-as-you-go.

(1) Under the pay-as-you-go option, employees may pay their premium payments on the same schedule as payments would be made if the employee were not on leave or under any other payment schedule permitted by the Labor Regulations at 29 CFR 825.210(c) (i.e., on the same schedule as payments are made under the Consolidated Omnibus Reconciliation Act of 1985, Public Law 99-272; under the employer's existing rules for payment by employees on leave without pay; or under any other system voluntarily agreed to between the employer and the employee that is not inconsistent with this section or with 29 CFR 825.210(c)).

(2) Contributions under the pay-as-you-go option may be made on a pre-tax basis to the extent that the contributions are made from taxable compensation that is due the employee during the leave period, and provided that all cafeteria plan requirements are satisfied.

(3) Coverage under the MSEFMBP will be terminated for any employee who fails to make required premium payments while on FMLA leave.

(c) Catch-up.

(1) An employee on an unpaid FMLA leave may elect to use the catch-up option to pay premiums advanced on his or her behalf by the state during the FMLA leave. The state and the employee must agree in advance of the coverage period that: the employee elects to continue coverage while on unpaid FMLA leave; the state will assume responsibility for advancing payment of the premiums on the employee's behalf during the FMLA leave; and these advance amounts must be paid by the employee when the employee returns from FMLA leave.

(2) Contributions under the catch-up option may be made on a pre-tax salary reduction basis when the employee returns from FMLA leave from any available taxable compensation. These contributions will not be included in the employee's gross income, provided that all Cafeteria Plan requirements are satisfied.

(3) Contributions under the catch-up option may also be made on an after-tax basis.

ARTICLE NINE PRIVACY POLICY

9.01 The MSEFMBP will use protected health information (PHI) to the extent of and in accordance with the uses and disclosures permitted by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Specifically, the Plan will use and disclose PHI for purposes related to health care treatment, payment for health care, and health care operations.

9.02 Meaning of Payment.

Payment has the meaning specified in the *Code of Federal Regulations* §164.501, specifically:

(1) The activities undertaken by:

i. A health plan to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits under the health plan; or

ii. A health care provider or health plan to obtain or provide reimbursement for the provision of health care; and

(2) The activities in paragraph (1) of this definition relate to the individual to whom health care is provided and include, but are not limited to:

i. Determinations of eligibility or coverage (including coordination of benefits or the determination of cost sharing amounts), and adjudication or subrogation of health benefit claims;

ii. Risk adjusting amounts due based on enrollee health status and demographic characteristics;

iii. Billing, claims management, collection activities, obtaining payment under a contract for reinsurance (including stop-loss insurance and excess of loss insurance), and related health care data processing;

iv. Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

v. Utilization review activities, including precertification and preauthorization of services, concurrent and retrospective review of services; and

vi. Disclosure to consumer reporting agencies of any of the following protected health information relating to collection of premiums or reimbursement:

A. Name and address;

B. Date of birth;

C. Social Security number;

- D. Payment history;
- E. Account number; and
- F. Name and address of the health care provider and/or health plan.

9.03 Meaning of Health Care Operations.

Health care operations has the meaning as specified in the *Code of Federal Regulations* §164.501, specifically, health care operations means any of the following activities of the covered entity to the extent that the activities are related to covered functions:

(1) Conducting quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, provided that the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(2) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance, health plan performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of non-health care professionals, accreditation, certification, licensing, or credentialing activities;

(3) Underwriting, premium rating, and other activities relating to the creation, renewal or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care (including stop-loss insurance and excess of loss insurance), provided that the requirements of §164.514(g) are met, if applicable;

(4) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(5) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the entity, including formulary development and administration, development or improvement of methods of payment or coverage policies; and

(6) Business management and general administrative activities of the entity, including, but not limited to:

i. Management activities relating to implementation of and compliance with the requirements of this subchapter;

ii. Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that protected health information is not disclosed to such policy holder, plan sponsor, or customer;

iii. Resolution of internal grievances;

iv. The sale, transfer, merger, or consolidation of all or part of the covered entity with another covered entity, or an entity that following such activity will become a covered entity and due diligence related to such activity; and

v. Consistent with the applicable requirements of §164.514, creating de-identified health information or a limited data set, and fundraising for the benefit of the covered entity.

9.04 As Required by Law and Authorization.

The MSEFMBP will use and disclose PHI as required by law and as permitted by authorization of the participant or beneficiary. With an authorization, the MSEFMBP will disclose PHI to the Employer's other medical, disability and workers' compensation plans for purposes related to administration of those plans.

9.05 Disclosures to the Employer.

The MSEFMBP will disclose PHI to the Employer as sponsor of the MSEFMBP provided that the Employer agrees to:

(1) Not use or further disclose PHI other than as permitted or required by this MSEFMBP document or as required by law;

(2) Ensure that any agents, including a subcontractor, to whom the Employer provides PHI received from the MSEFMBP agree to the same restrictions and conditions that apply to the Employer with respect to such PHI;

(3) Not use or disclose PHI for employment-related actions and decisions unless authorized by the individual;

(4) Not use or disclose PHI in conjunction with any other benefit or employee benefit plan of the Employer unless authorized by the individual;

(5) Report to the MSEFMBP any PHI use or disclosure that is inconsistent with the uses or disclosures provided for of which it becomes aware;

(6) Make PHI available to an individual in accordance with HIPAA's access requirements;

(7) Make PHI available for amendment and incorporate any amendments to PHI in accordance with HIPAA;

(8) Make available the information required to provide an accounting of disclosures;

(9) Make internal practices, books and records relating to the use and disclosure of PHI received from the MSEFMBP available to the Secretary of Health and Human Services for the purposes of determining the MSEFMBP's compliance with HIPAA; and

(10) If feasible, return or destroy all PHI received from the MSEFMBP that the Employer still maintains in any form, and retain no copies of such PHI when no longer needed for the purpose for which disclosure was made (or if return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction infeasible).

9.06 Employees with Access to PHI.

In accordance with HIPAA, only the following employees of the Employer will be given access to PHI solely for the purpose of performing Employer Plan administrations functions:

(1) Any employee responsible for establishing and maintaining employee deduction and reduction records for the Employer;

(2) Any employee with oversight responsibility for management of the MSEFMBP or any component of the MSEFMBP.

If the above employees do not comply with this MSEFMBP document, the Employer shall provide a mechanism for resolving issues of noncompliance including disciplinary sanctions.

9.07 HIPAA Compliance.

It is intended that this MSEFMBP meet all applicable requirements of the Health Insurance Portability and Accountability Act

(HIPAA) and of all regulations issued thereunder. This MSEFMBP shall be construed, operated and administered accordingly, and in the event of any conflict between any part, clause or provision of this MSEFMBP and HIPAA, the provisions of HIPAA shall be deemed controlling, and any conflicting part, clause or provision of this MSEFMBP shall be deemed superseded to the extent of the conflict.

AUTHORITY: section 33.103, RSMo [2000] Supp. 2004. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the Code of State Regulations. Amended: Filed July 15, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities zero to fifteen thousand dollars (\$0-\$15,000) per year in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Division of Accounting, Jack Dothage, Assistant Director, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	1 CSR 10-15.010 Cafeteria Plan
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Five to Ten Companies	Insurance Companies	\$0-\$15,000/year

III. WORKSHEET

Per 7.07 we are estimating an administrative charge of \$0.25 per withholding per pay cycle.

$\$0.25 \times 24 \text{ pay cycles} \times 2,500 \text{ participants} = \$15,000$

IV. ASSUMPTIONS

If the vendor absorbs the administrative charge, we estimate an aggregate annual cost for the vendors of \$15,000. If the vendors pass the charge on to the participants as higher premiums, there will be no cost to the vendors. We have been told that some vendors will increase premiums to offset the administrative cost while other vendors have said they will absorb the cost and recapture through additional product sales to employees.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization

PROPOSED AMENDMENT

3 CSR 10-1.010 Organization and Methods of Operation. The commission proposes to amend section (2).

PURPOSE: This amendment reflects organization changes as approved by the Conservation Commission at its April 14, 2005 meeting.

(2) The commission appoints a director who serves as the administrative officer of the Department of Conservation. The director appoints other employees. [and is assisted by a deputy director-field and a deputy director-administration with programs and activities carried out by the divisions of fisheries, wildlife, forestry, protection, outreach and education, administrative services, private land services, resource science and human resources. Two (2) assistants to the director supervise the policy coordination section, and provide leadership for special projects and initiatives as assigned by the director; notably legislative liaison and partnerships with other entities.] Four (4) assistant directors, general counsel, internal auditor, administrative services and human resources divisions are responsible to the director and facilitate administration of the department. Programs and activities are carried out by the divisions of fisheries, forestry, outreach and education, private land services, protection, resource science and wildlife. Policy coordination unit serves the director, divisions and regions by assisting with environmental and regulatory issues.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 28, 1974, effective July 8, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 7, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 263-2.031 Acceptable Supervisors and Supervisor Responsibilities. The committee is amending subsection (1)(A).

PURPOSE: This amendment prevents individuals from supervising someone who could be considered a relative of the supervisee.

(1) An acceptable supervisor for clinical social worker licensure is a Missouri licensed clinical social worker or licensed clinical social worker from another state whose licensure laws, as determined by

the committee, are equivalent to Missouri. An acceptable supervisor for baccalaureate social worker licensure is a Missouri licensed clinical social worker or licensed clinical social worker from another state, or a Missouri licensed baccalaureate social worker or licensed baccalaureate social worker from another state, whose licensure laws, as determined by the committee, are equivalent to Missouri. The acceptable supervisor cannot be a relative of the supervisee.

(A) A relative is defined as spouse, parent, child, sibling of the whole or half-blood, grandparent, grandchild, aunt or uncle of the supervisee or one who is or has been related by marriage or has any other dual relationship.

AUTHORITY: sections 337.627, RSMo 2000 and 337.600, 337.612, 337.615, 337.665 and 337.677, RSMo Supp. [2001] 2004. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 15, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via e-mail at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 2—Traffic Regulation

PROPOSED RESCISSION

7 CSR 10-2.010 Overdimension and Overweight Permits. This rule provided a uniform system for issuing special permits to regulate vehicles used on the state highway system which, when loaded, exceeded the motor vehicle limitations on length, width, height and weight established in Chapter 304, RSMo, which provided for the public safety and prevented damage to public roads.

PURPOSE: This rule is being rescinded so an updated version can be adopted under a different chapter.

AUTHORITY: section 304.200, RSMo Supp. 1988. Original rule filed Aug. 11, 1972, effective Aug. 21, 1972. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed July 12, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Mary Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days

after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations**

PROPOSED RULE

7 CSR 10-25.020 Overdimension and Overweight Permits

PURPOSE: This rule provides a uniform system for issuing special permits to regulate vehicles used on the state highways which when loaded exceed the limitations on length, width, height and weight established in Chapter 304, RSMo.

(1) General Regulations for Overdimension/Overweight Permits.

(A) In the design and fabrication of all vehicles, machinery, equipment, structures, buildings or other units or components, careful consideration must be given to the legal and physical limitations applicable to all available forms of transportation between point of fabrication and the original or subsequent destinations.

(B) Permits will not be granted for travel on the state highway system for movement of a load reducible in dimension(s) or weight, except for farm products (hay) and equipment with dual tires as permitted in sections (7) and (10). Reducible portions of any overdimension or overweight load shall include, but are not limited to, any attachment, accessory, member or assembly designed to be detached with hand tools.

(C) Unladen vehicles or combinations are to comply with legal size and weight limitations as listed in Chapter 304 of the *Missouri Revised Statutes* unless exceptions can be justified by safety considerations based on an overdimension or overweight object to be transported by the vehicle.

(D) Economic factors in either the saving of time or costs for routing will not be considered of primary importance in the routing process and the department reserves the right to designate routing and travel time for all movements. Safety, structure capacities and clearances, roadway widths, and traffic volumes will all be considered in route determination. The routing will use the designated state highway system as shown on the Missouri Vehicle Route Map and/or be as direct as possible. When other streets or highways off the state highway system are used, it will be the responsibility of the applicant to obtain approval from the agency responsible for such off-state highway and adhere to all bridge capacity postings on the state highway system.

(E) Limitations for all overdimension and overweight load movements will be determined by the least hazardous road conditions and volume of traffic which will be encountered and the practical capacity of the roadway, structures and the vehicle involved, based upon axle loads. All responses to requests for routing approval prior to application are furnished for general information only. Due to constantly changing highway conditions such routing approval is subject to change without notice.

(F) Exceptions may be made for feasible overdimension and/or overweight movements certified as essential to national defense, upon receipt of written documentation by designated officials within the Defense Department.

(G) Permits may specify maximum and minimum speeds to reduce hazards or control impact factors on pavement or structures. Power units shall have sufficient weight and power to handle the load safely and maintain reasonable speeds.

(H) Permits for round trips will not be issued. Each single trip permit covers the movement of one (1) load only, between one origin and one destination, except for the multi-stop permit designed for transportation of farm implement delivery only (not intended for

delivery of legal loads). Moves must be completed in seven (7) moving days, except for multi-state permits which must be completed in ten (10) days, and blanket permits which are for a specified period.

(I) Movement is restricted on the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).

1. The restriction for Thanksgiving will begin at 12:00 noon on Wednesday and apply until one-half (1/2) hour before sunrise on the following Monday. In the event a holiday falls on Saturday, the restriction will apply to the preceding Friday. If a holiday falls on Sunday, the restriction will apply to the following Monday. On all holidays, the restriction will begin at 12:00 noon on the day preceding the holiday or the holiday weekend period.

2. All offices are closed on the holidays listed in paragraph (1)(I)1. Only the Jefferson City office will be open on Martin Luther King Day (third Monday in January), Lincoln's Day (February 12), Presidents' Day (third Monday in February), Truman Day (May 8), Columbus Day (second Monday in October), and Veterans' Day (November 11). All other offices will be closed on these dates, and on any date designated by the governor as a holiday; however, movement under permit is allowed on these days.

(J) Travel under permit must be with properly licensed, insured and permitted vehicles under Chapters 260, 301 through 307, 390 and 622 of the *Missouri Revised Statutes*, and vehicles must be licensed for maximum weights in order to obtain overweight permits.

(2) Financial Responsibility.

(A) An applicant must submit proof of insurance meeting the required minimum amount before a permit can be issued. While operating under authority granted under this rule, an applicant must have on file with the Missouri Department of Transportation, Motor Carrier Services Division an approved certificate of liability insurance specifically showing coverage of amounts not less than the following:

**SCHEDULE OF MINIMUM LIMITS OF COMBINED
SINGLE LIMIT AUTOMOBILE LIABILITY**

Type of Move	Amount
1) Routine	\$750,000
2) Super Heavy and Large Loads	\$2,000,000
3) Noncommercial Building (House) Movement	\$2,000,000

Refer to subsection (8)(C) for financial responsibility for escorts.

(B) For movement of a noncommercial building (as described in section (16)), the insurance certificate or other evidence of insurance provided by the applicant MUST INCLUDE the following statement under description of operations: "STRUCTURAL MOVING OPERATIONS OF THE NAMED INSURED INCLUDED IN THIS COVERAGE." In the case of excessive overweight, additional financial responsibility may be required to protect the state in regard to excessive damage to the state highway system and its facilities.

(C) Insurance for all permit operations shall be in force for the duration of the permit period.

(D) Filing of Documents. Insurance companies offering motor carrier insurance certificates, cancellation notices, or other documents for filing with the division pursuant to this rule, shall deliver the documents to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102 by any of the following methods: personal delivery, U.S. mail, express courier delivery, FAX, electronic mail (E-mail), or other approved electronic media. A person or company that offers photocopies, FAX copies, or electronic documents for filing shall be bound by them as if they were signed originals. All

documents offered for filing shall comply with the applicable requirements and be properly signed or otherwise authenticated in accordance with this rule.

(3) Agreements and Conditions.

(A) The permittee agrees to the following conditions when a permit is issued:

1. The permittee named therein agrees to assume full responsibility for injury to persons or damage to public or private property, including the state highway system and its facilities, caused by the movement of the vehicle or its load under the special permit involved;

2. The permittee agrees to hold harmless the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants and employees, from any and all claims, judgments, damages or expenses of any kind on the part of the applicant, permittee or any person, firm or corporation having an interest in either the vehicle, the load or other property involved in the movement over the route prescribed in said permit;

3. The permittee, as a condition to the issuance of a special permit, agrees to indemnify the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants or employees, for any sums which it, its agents, servants or employees are or may be required to expend in defense of any claims or actions for damages and to indemnify the Missouri Highways and Transportation Commission, the Department of Transportation, the Missouri State Highway Patrol, their agents, servants or employees, arising out of the movement, under this special permit, of a vehicle or load over the route prescribed by the Missouri Department of Transportation, its agents, servants or employees;

4. The permittee will cause the operators of all motor vehicles involved in the movement to take all necessary precautions to avoid hazards existing along the prescribed route, such as, but not limited to, construction projects, physical restrictions or conditions which will not permit the movement of the vehicle and its load without detriment to the state highway or its drainage structure, signs, guardrails, signals, shoulders, pavement, right-of-way or any other facility;

5. Should the permittee or the permittee's officers, agents, employees or operators encounter a condition on the route prescribed not contemplated by the permit, or signs or markings indicating an emergency condition creating a reasonable doubt as to the continuance of the trip, the permittee, officer, agent, employee or operator of the vehicle shall immediately notify the appropriate official or employee of Motor Carrier Services Division of the Missouri Department of Transportation for a suggested course of action. In any event, departure from a prescribed route, except by specific authorization of Motor Carrier Services Division, renders the permit void;

6. Any misrepresentation in the application for a special permit or any operation not made in strict compliance with the permit and not in compliance with 7 CSR 10-25.020, except as specifically exempted, is unlawful and renders the permit void;

7. Any permit used for a movement other than that for which granted, is void in its entirety and the movement involved will be in violation of the law, as though such permit had never been granted;

8. Permits voided by a violation shall be surrendered to any law enforcement officer or to any employee of the Missouri Department of Transportation and permits so surrendered shall be returned to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102;

9. A new permit and required fees covering the remainder of the movement will not be issued until all charges arising out of the violation have been satisfied and the routing or movement modified to meet the regulations established herein;

10. Permits are issued by authority of law only when the public safety or public interest justifies their issuance. Any misrepresentation in the application or violation of the terms of the permit may result in denial of future applications of the violator; and

11. Permission is granted only for dimensions and up to the weight, as specified, and compliance in all other respects is required with Chapters 260, 301 through 307, 390, and 622 of the *Missouri Revised Statutes* as amended, all other applicable state and federal laws and rules and regulations of state and federal regulatory bodies.

12. All permittees are responsible for the accuracy of their permits and shall notify the Missouri Department of Transportation, Motor Carrier Services Division of any inaccuracies before movement commences.

(B) In addition to these agreements and conditions, the following will apply:

1. All violations or misrepresentations will be recorded and the permittee will be notified in writing that future violations may result in a suspension or revocation of privileges;

2. Flagrant or repeated violations of permit restrictions and/or traffic safety laws in combination thereof are not in the interest of public safety and the permittee will be advised in writing, if his/her record is such that future permits should not be granted in the opinion of the Missouri Department of Transportation. A suspension of such privilege shall last for two (2) weeks and a revocation of such privilege for one (1) year;

3. Suspensions, revocations and re-instatements may be modified or rescinded by the Motor Carrier Services' director or his/her representative and their decision shall be final.

(4) Permit Applications, Permit Transmissions and Permit Fees.

(A) All overdimension and overweight applications should be completed and fees filed at least two (2) days prior to the date of movement, except permits covered by sections (15) and (16) should allow two (2) weeks advance notice. This will allow sufficient time for any investigations, studies or analysis necessary for the issuance of the official permit.

(B) Applications for permits are accepted in person, by mail, by telephone, and by computer inquiry.

(C) Applications may be reproduced or copies will be furnished upon request. Each application shall show all information requested in regard to the applicant, load description (including make, model, serial number and dimensions) and vehicle description (including vehicle combination, year, make, vehicle identification number, insurance and license). The type of power unit (truck or tractor) and trailer (semi or other configuration) shall also be required.

(D) Application for an overdimension permit must show overall width, length, length of trailer and load, overhang front and/or rear, empty deck space front and/or rear, and overall height. Application for an overweight permit must show axle loads and axle spacings measured center-to-center between each axle. Additional information may be required to complete the application.

(E) Special permit fees are payable prior to the issuance of the permit. If the permit becomes invalid for any reason, the original fee shall be nonrefundable and a new permit with fee will be necessary. Postal and telegraphic money orders, personal, company, certified and cashier's checks, credit cards and electronic funds shall be made payable to the "Director of Revenue, Credit State Road Fund." Cash is also accepted. The special permit fees are as follows:

1. Single trip overdimension permits including pre-issue—\$15;

2. Single trip overdimension permits in excess of sixteen feet (16') wide, sixteen feet (16') high or one hundred fifty feet (150') long—\$15 plus \$250 movement feasibility fee;

3. Multi-stop overdimension permit—\$25 (farm implements only);

4. Single trip overweight permits up to and including one hundred sixty thousand (160,000) pounds gross weight—\$15 plus \$20 per each ten thousand (10,000) pounds in excess of legal gross weight;

5. Single trip overweight permits in excess of one hundred sixty thousand (160,000) pounds gross weight—\$15 plus \$20 per each ten thousand (10,000) pounds in excess of legal gross weight plus bridge and roadway analysis fee of \$425 for each permit for moves from 0–50 miles in length; \$625 for 51–200 miles; \$925 for over 200 miles (see section (15));

6. Annual blanket emergency overweight permit (round trip)—\$624—(fee will be prorated quarterly);

7. Annual blanket overdimension permit—single commodity—\$128 (fee will be prorated quarterly);

8. Annual blanket overdimension permit—multiple commodity—\$400 (fee will be prorated quarterly);

9. Annual blanket overweight well drillers or concrete pump truck permit—\$300 (fee will be prorated quarterly);

10. Thirty-day blanket permit—\$30;

11. Project permit—\$125;

12. Highway crossing permit—\$250;

13. Noncommercial building movement (in excess of routine dimensions)—\$265; and

14. Permit Amendment Fee—\$2. Single trip permits may only be amended within two days of permit issuance. Annual blanket permits may be amended throughout the year.

(F) Fees shall not be required for permits covering the movement of vehicles and loads owned and operated by governmental subdivisions or agencies.

(G) Permits may be applied for and picked up at the locations listed in subsection (4)(H) during regular business hours of 7:30 a.m. to 4:00 p.m. Monday through Friday except holidays listed in paragraph (1)(I). Telephone applications are accepted from 7:30 a.m. until 3:45 p.m. at (800) 877-8499 or (573) 751-7100 Monday through Friday except holidays listed in section (1). Internet access is also available twenty-four (24) hours a day, seven (7) days a week.

(H) Office locations for Missouri Department of Transportation—

1. Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102, (800) 877-8499 or (573) 751-7100;

2. St. Joseph—District 1—3602 North Belt Highway, Box 287, St. Joseph, MO 64502, (816) 387-2350;

3. Macon—District 2—U.S. Route 63, PO Box 8, Macon, MO 63552, (660) 385-3176;

4. Hannibal—District 3—Highway 61 South, PO Box 1067, Hannibal, MO 63401, (573) 248-2490;

5. Lee's Summit—District 4—600 NE Colbern Road, Lee's Summit, MO 64086, (816) 622-6500;

6. Chesterfield—District 6—14301 S. Outer 40, Chesterfield, MO 63017-5712, (314) 340-4100;

7. Joplin—District 7—3901 East 32nd Street, PO Box 1445, Joplin, MO 64802, (417) 629-3300;

8. Springfield—District 8—3025 E. Kearney, PO Box 868, Springfield, MO 65801, (417) 895-7600;

9. Willow Springs—District 9—910 Springfield Road, PO Box 220, Willow Springs, MO 65793, (417) 469-3134; and

10. Sikeston—District 10—2675 North Main Street, PO Box 160, Sikeston, MO 63801, (573) 472-5333.

(I) All permits may be transmitted by facsimile machine, Internet or electronic mail from the Motor Carrier Services Division located in Jefferson City only. Division facsimile transmission costs and telephone costs are included in the permit fee (see subsection (4)(E)). The following requirements and procedures apply:

1. For facsimile receiving, the equipment must be fully automatic which may require a dedicated telephone line with unattended operation capabilities; and

2. Proper arrangement for payment of permit fee must be made either by use of escrow accounts, which must be in effect prior to permit application request (see section (6)), or by payment of the fee at the time of application. Permits can only be amended by Motor Carrier Services Division's staff, as outlined under the circumstances in paragraph (4)(E)14.

(5) Pre-Issued Permits.

(A) Pre-issued permits may be requested for the purpose of transporting loads that are overdimension only with a maximum width of twelve feet four inches (12'4"). Travel under pre-issued permits must be completed in seven (7) days. To obtain pre-issued permits, contact the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102, for an application.

(B) The applicant's name and complete address will be preprinted on each pre-issued form.

(C) To place a pre-issued permit form into effect, the applicant shall contact the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102, at the number listed on the form and provide the required information to complete the form. Upon approval, the applicant shall complete the form in a legible manner. Movement may then be made under provisions of the permit and all other applicable permit regulations. Changes or eraser marks void the permit.

(D) Upon completion of a move, the original pre-issued permit shall be mailed no later than eight (8) hours after the move to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102. Should the permit not be used, it is to be mailed to the same office no later than eight (8) hours after its assigned expiration date.

(E) Violation of or abuse of the privilege for obtaining pre-issued permits may result in immediate termination of such privilege and require relinquishment of all unused blank permit forms. No refunds will be made for any permit voided by the termination of pre-issued permit privileges.

(F) Pre-issued permit forms are nontransferable, and cannot be reproduced. No refunds will be made for pre-issued forms voided, canceled, relinquished, stolen or lost. A pre-issued account may be closed by submitting a written request, and returning all unused pre-issued forms to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102. A refund for returned pre-issued forms will be processed.

(6) Escrow Accounts.

(A) An escrow account may be established with the Missouri Department of Transportation. The following conditions govern the establishment and maintenance of escrow accounts:

1. An escrow account may be applied for by submitting an application supplying all the necessary information. Applications may be obtained from the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102, or established on-line;

2. Upon approval of application, the applicant will be assigned an account number that must be given with each transaction. The account holder is responsible for all charges filed against the account;

3. Motor Carrier Services Division in Jefferson City shall provide quarterly statements showing charges, deposits and account balance;

4. The account holder may replenish his/her escrow account at any time via phone, Internet, mail or in person. A minimum deposit of one hundred dollars (\$100) is required to open an account; and

5. An escrow account will remain open as long as there is a positive balance. Upon written request, an account may be closed and the unused balance will be refunded.

(B) It shall be the responsibility of the account holder to maintain records of the balance remaining in the account. In the event there is a difference between the account holder's records and the department's records, a letter stating the difference shall be the basis for review and adjustment. The department's decision shall be final.

(C) The escrow account is nontransferable and shall be used for payment only. The account shall be reduced by the amount for each item issued or processed.

(7) Annual Blanket Permits. Blanket permits may be issued for moves up to and including twelve feet four inches (12'4") in width and one hundred fifty feet zero inches (150'0") in overall length. Height and weight shall be in accordance with Chapter 304 of the *Missouri Revised Statutes*. The fee schedule for blanket permits is outlined in subsection (4)(E). Separate permits are required for each power unit. To qualify for an annual blanket permit, insurance must be in force for the entire period (see section (2)) and vehicles must be properly licensed. Annual blanket permits are issued only by the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102. All annual permits will expire at 12:00 a.m. on January 1 of the following year. Violation of a blanket permit shall be cause for revocation of the current blanket permit and may result in loss of the privilege of obtaining future blanket permits. Blanket permit moves shall be made in accordance with all other regulations and requirements. The permittee is required to obtain current travel restrictions prior to movement with blanket permits.

(A) These permits authorize travel over the state highway system only. Movement from origin to destination must be by the most feasible direct route. All conditions, safety considerations, bridge loading and clearance postings shall be complied with. The permittee shall properly warn traffic, adjust speed, and if necessary, stop traffic when crossing bridges where the load exceeds one-half (1/2) the roadway width of the bridge. Travel over structures on which load limits are posted for lesser weights is not allowed. Permittees traveling on interstate highways shall maintain the posted minimum speed.

(B) Single Commodity.

1. Manufactured and sectional home units. Annual blanket permits are available for the movement of manufactured and sectional home units up to and including twelve feet four inches (12'4") in width and one hundred fifty feet (150') in overall length. Height and weight shall be legal.

2. Farm implements, farm products (hay), construction equipment. Annual blanket permits are available for these moves up to and including twelve feet four inches (12'4") in width. All other dimensions and weight shall be legal. Farm implements or equipment not designed for towing at highway speeds must be hauled. If the equipment is designed to be towed, it shall meet all regulatory safety requirements. Farm products (hay) and equipment with dual tires will not be required to comply with the reducible load requirement for width.

3. Implements of husbandry and transporting vehicle. Annual blanket permits are available for movement up to and including twelve feet four inches (12'4") in width. All other dimensions and weight shall be legal. Implements of husbandry are machines designed specifically for the application of commercial plant-food materials or agricultural chemicals and off-road usage. Such units shall not operate under their own power on the interstate system.

4. Repeated moves of like objects. Annual blanket permits for the movement of specific nonreducible commodities may be issued to a maximum width of twelve feet four inches (12'4") and/or overall length up to a maximum of one hundred fifty feet (150'). Height and weight shall be legal. The following items may be considered: boats, portable buildings, wood trusses, steel trusses, plates, beams, angles, pipe or piling, reinforcing steel mesh, rods or bars, tanks, mobile office trailers, grain carts, cotton trailers, park trailers, precast concrete panels, aluminum plates, wood beams and concrete girders. The permit will describe and specify the object to be hauled. A blanket permit may be issued for the repeated movement of objects for permanent use in their transported form. Such objects may vary in size as long as the largest is within the width and/or length limit specified on the permit. Multipiece loads must be nonreducible and nondivisible in dimension;

(C) Multiple Commodity. Annual blanket permits are available to haul any commodity up to and including twelve feet four inches (12'4") wide and one hundred fifty feet (150') overall length. Height and weight shall be legal. **MULTIPIECE LOADS SHALL BE NONREDUCIBLE AND NONDIVISIBLE.**

(D) Blanket permits are also available for items that may be overdimension or overweight with varying operation areas and time periods. These blanket permits may be issued as explained in the following paragraphs:

1. Thirty (30)-day blanket. Blanket permits up to and including twelve feet four inches (12'4") wide and/or overall length up to and including one hundred fifty feet (150') covering specified travel over listed routes may be issued for a period not exceeding thirty (30) days to expedite construction or repair of public utilities or public works clearly in the public interest;

2. Well-drilling blanket. Blanket permits for well-drilling rigs may be issued to a maximum width of twelve feet four inches (12'4"), and/or overlength to a maximum of sixty feet (60') for single units and weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle group or sixty thousand (60,000) pounds on a triple or quadrum axle group and a gross weight not to exceed the maximum allowable gross weight according to the number of axles and the specified axle spacings as shown on the weight table in subsection (11)(G). Equipment classified for use in well-drilling work is a single unit designed primarily to drill wells. The unit shall be reduced in dimension as much as practical. Drill bits and other necessary drilling tools may be carried with the drill rig provided the permitted axle and gross vehicle weight are not exceeded. The permit authorizes travel over the state highway system only and the unit must be able to maintain the posted minimum speed on the interstate system. Travel over bridge structures on which a load limit is posted for lesser weights is not allowed;

3. Emergency response blanket. Annual blanket permits for the initial response and direct return from an emergency are available up to and including twelve feet four inches (12'4") in width, one hundred fifty feet (150') in length and maximum axle weights and gross weight as allowed in section (11). Height shall be legal. This permit authorizes travel over the state highway system only. Travel over bridge structures on which a load limit is posted for lesser weight is not allowed. The restriction prohibiting travel in tourist areas, during curfew hours, at night and on holidays or holiday weekend periods will be waived for the initial response to the emergency site. Clearance lights in lieu of flags and reflectorized oversize load signs are required for night travel. See section (12) for additional procedures for emergency travel;

4. Public utility. Blanket overlength permits not exceeding one hundred fifty feet (150') in length (width, height and weight must be legal) may be issued to a public utility company, a public agency or their contractor to transport poles or pipe for minor construction, reconstruction, replacements or emergency repairs. Such permits shall be issued for each power unit to travel from the nearest available pole or pipe storage yard. The restriction prohibiting travel in tourist areas, during curfew hours, at night and on holidays or holiday weekend periods is waived for emergency repairs. Clearance lights in lieu of flags and reflectorized oversize load signs are required for night travel (see subsection (12)(J));

5. Sludge disposal units. Blanket permits are available for travel on the state highway system other than the interstate and shall not exceed eleven feet six inches (11'6") in width. All other dimensions and weight shall be legal;

6. Concrete pump truck blanket. Blanket permits for concrete pump trucks may be issued to a maximum width of twelve feet four inches (12'4"), and/or overlength to a maximum of sixty feet (60') for single units and weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle group or sixty thousand (60,000) pounds on a triple or quadrum axle group and a gross weight not to exceed

the maximum allowable gross weight according to the number of axles and the specified axle spacings as shown on the weight table in subsection (11)(G). This permit authorizes travel over the state highway system only and the vehicle must be able to maintain the posted minimum speed on the interstate system. Travel over bridge structures on which a load limit is posted for lesser weights is not allowed.

7. Projects. Blanket permits are available for the movement and/or operation of overdimension and overweight road-building equipment within the limits of a specific highway project or combination of projects, for a period not to exceed the completion date of that project. The permittee shall coordinate movement and/or operation necessity and procedures with the project engineer and collectively submit a permit application containing all pertinent information to include any special or unusual circumstances with a recommendation to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102; and

8. Longer combination vehicles (LCV) blanket permits. This permit may include combinations defined as Rocky Mountain Doubles (RMD), Turnpike Doubles (TPD), and triple-trailers currently allowed to operate on turnpikes in other states. Annual blanket permits are available for longer combination vehicles up to one hundred twenty feet (120') in overall length to travel to and from locations within twenty (20) miles of the western border of this state. All other dimensions and weight shall be legal. This permit authorizes travel over specified routes on the state highway system.

(8) Civilian Escorts and Flaggers. It is the responsibility of the permittee to see that escorts which accompany their moves, adhere to these regulations in addition to the regulations specifying when escorts and flaggers are required, as listed in sections (9), (13), (14), (15) and (16).

(A) An "escort" is defined as a vehicle with operator which accompanies oversize moves to serve as a warning to other traffic that extra caution is required. Operators of escort vehicles shall be properly licensed, obey all traffic laws and be at least eighteen (18) years of age.

(B) The escort vehicle must be a properly licensed single unit vehicle of standard size with unobstructed vision to the front and rear and in safe operating condition. The unit may be an automobile, pickup truck, utility vehicle, station wagon or equivalent.

(C) It is the responsibility of the permittee to ensure the escort's minimum financial responsibility as required by law is in force at all times.

(D) Oversize load signs shall be displayed on the front and/or rear of the escort vehicle, whichever is applicable for the move. A sign mounted on the top of the vehicle with printing on both sides is acceptable. Signs are to be a minimum size of five feet (5') long by one foot (1') high with minimum eight inch (8") high letters. The sign's background shall be yellow with black lettering and visible for at least three hundred feet (300'). The legend shall read "OVERSIZE LOAD."

(E) Escort vehicles are to be equipped with at least two (2) red or orange fluorescent warning flags mounted on a staff at the two (2) front extremities of the vehicle for a front escort and at the rear extremities for a rear escort. The escort vehicle for overheight loads (see paragraph (9)(H)3.) shall have a vertical clearance detection device and have continuous, uninterrupted, two-way communication with the power unit. Flags used for flagging and on permit vehicles shall be clean, red or orange fluorescent, in good condition, with no advertising or wording and be at least eighteen inches (18") square.

(F) Flaggers are required as outlined in subsection (9)(J). Flaggers shall have proper training in directing traffic.

(9) Regulations for All Permits. The following regulations apply to all movements of overdimension and/or overweight loads except as stipulated in sections (7), (11), (12), (13), (14), (15) and (16):

(A) The permit must accompany the move until the move is completed;

(B) Travel is limited to one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, except as permitted in subsection (9)(E) of this rule and sections (7), (11), (12), (13), (14) and (15). No movement is allowed when road conditions are hazardous, such as snow and ice covered or when hazardous cross winds affect the movement or when weather conditions are such to limit the visibility to less than five hundred feet (500');

(C) No movement is allowed during specified holiday periods listed in paragraph (1)(I)1.;

(D) No movement is allowed on Saturdays and Sundays in the Lake of the Ozarks and Branson areas as follows:

1. Lake of the Ozarks area—the following restrictions apply May 25 through Labor Day (first Monday in September):

A. Route 54—between the junctions with Route V in Miller County and Route Y in Camden County.

B. Route 5—between the junction with Route 54 and the City limits of Gravois Mills.

C. Route 42—between the junctions with Routes 54 and 134.

D. Business 54—between the east and west junctions with Route 54;

2. Branson area—the following restrictions apply May 1 through November 30:

A. Route 76—between the junctions with Routes 13 and 160.

B. Route 13—between the city limits of Branson West and the junction with Route 86 west; and

(E) For safety and to reduce traffic congestion, Monday through Friday travel in the metropolitan areas of St. Louis, St. Charles, Kansas City and Springfield is restricted as follows (The metropolitan area curfews indicated in subsection (9)(E) do not apply to loads that are overweight only):

1. All routes in St. Louis City and County, with the exception of Route 370, are restricted between the hours of 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:30 p.m.;

2. St. Charles County on I-70, eastbound travel between the junction with Route 61 and the Missouri River Bridge is restricted from 6:30 a.m. to 9:00 a.m. and I-70 westbound between the Missouri River Bridge and the junction with Route 61 is restricted from 3:30 p.m. to 6:30 p.m.; Route 40/61 (I-64) (both directions) between the Missouri River Bridge and I-70 and Route 94 (both directions) between Route 370 and Route 40/61 (I-64) are restricted from 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:30 p.m.;

3. Jefferson County on I-55 (both directions) between the St. Louis County line and Route 67; Route 21 and Route 30 (both directions) between St. Louis County line and Route BB; Route 141 (both directions) between the St. Louis County line and Route 61/67 is restricted between the hours of 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:30 p.m.;

4. In the Kansas City area on the routes or inside of the area bounded by Routes 150, 291, I-470, 152 West, to I-435 (Platte County) exit 24 south to the Kansas state line, travel is restricted between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.; and

5. Inside the city limits of Springfield, travel is restricted on all routes on the state highway system between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., except:

A. I-44—Restricted between 4:00 p.m. and 6:00 p.m. only.

B. US 60—Restricted between 4:00 p.m. and 6:00 p.m. only.

C. US 65—Restricted between 7:00 a.m. and 9:00 a.m. and between 3:30 p.m. and 6:00 p.m. only.

(F) Movements of major equipment or other special loads for short distances with origin and destination within major urban areas may be permitted between the hours of 1:00 a.m. and 6:00 a.m. Monday through Friday, except for these time periods on and immediately following a holiday period and on Sunday from 1:00 a.m. to 12:00 noon, except where this time conflicts with a holiday period. Such

movements must be pre-planned and all protection must be provided for the safety of the public as follows:

1. Required signing must be lighted or reflectorized. Amber lights at the extreme ends or projection of the load or vehicle must be provided in lieu of flags.

(G) Maximum speed for all moves shall be ten (10) miles per hour less than the posted speed limit unless otherwise specified on the permit. Movements over routes where minimum speed limits are posted shall operate at least at the minimum speed posted;

(H) Escort requirements are as follows:

1. Overwidth. No escort is required for loads up to and including twelve feet four inches (12'4") in width. Escort requirements for loads exceeding twelve feet four inches (12'4") in width are in sections (13), (14), (15) and (16);

2. Overlength. A rear escort is required for movements when the vehicle and load exceed ninety feet (90') for a combination unit on all highways except divided highways and as required in sections (12), (15) and (16);

3. Overheight. A height detection vehicle is required to precede overheight loads exceeding fifteen feet six inches (15'6"). The height detection vehicle shall have a vertical clearance detection device and have direct, continuous, uninterrupted, two-way communication with the power unit; and

4. A separate escort shall be provided for each load and each dimension. Travel in convoy is not allowed. Additional and/or special escort requirements may be specified whenever the size, speed or operation of movement might require.

(I) Front escorts shall travel approximately three hundred feet (300') in front of the load and rear escorts approximately three hundred feet (300') to the rear of the load. In heavy traffic or when traveling within cities or towns, the escort vehicle should maintain a distance consistent with existing traffic conditions; and

(J) Flagging is required whenever the dimensions of overwidth loads are equal to or exceed the width of the traveled lane on two (2)-lane bridges or whenever the movement is of such width or length that it infringes on the adjacent lane of traffic. The operator of the escort vehicle may act as the flagger. On shorter bridges it may not be necessary to actually stop traffic if sight distance is good, but on longer bridges or where sight distance is short, a flagger shall be used to direct traffic and be prepared to stop traffic if necessary. A flagger is also required if the permitted vehicle and load must stop due to a breakdown with all or part infringing on the traveled roadway. Additional traffic control may be required for large complex moves. All traffic control devices shall meet the requirements listed in the *Manual on Uniform Traffic Control Devices* (MUTCD) published by the Federal Highway Administration (FHWA).

(10) Regulations for Overdimension Permits. In addition to the regulations in sections (7), (9), (13), (14), (15) and (16); the following applies to all overdimension permits:

(A) Red or orange fluorescent flags in good condition with a minimum size of eighteen inches (18") square shall be displayed at the extreme ends or projections of all overwidth and overlength loads, and all four (4) corners of manufactured and sectional home units. Oversize load signs at least seven feet (7') long by eighteen inches (18") high with ten-inch (10") letters of one and five-eighths inch (1 5/8") stroke shall be displayed front and rear for loads exceeding ten feet six inches (10'6") in width on all highways. When the overall length of a combination unit exceeds ninety feet (90') or the overall length of a single unit exceeds fifty feet (50'), an oversize load sign is required on the rear of the load. The sign's background shall be yellow with black lettering. The legend for these signs shall read "OVERSIZE LOAD."

(B) The following Missouri and Mississippi River bridges may be used for the movement of loads in excess of ten feet six inches (10'6") in width. If the load exceeds one-half (1/2) the width of the roadway on the two (2)-lane bridges, a flagger shall be used to stop all oncoming traffic at the far end of the structure before the vehicle

and load can proceed across. No movement will be allowed where flagging is necessary between the hours of 6:30 to 9:00 a.m. and 3:00 to 6:00 p.m.

MISSOURI RIVER BRIDGES

Location	Route	Roadway Width
Brownville, NE	US 136	22'6"
Rulo, NE	US 159	20'0"
St. Joseph	US 36	Dual Bridges
Atchison, KS	US 59	24'0"
Leavenworth, KS	MO 92	26'0"
Waverly	US 24/US 65	44'0"
Miami	MO 41	23'0"
Boonville	MO 5/US 40	40'0"
Glasgow	MO 240	20'3"
Rocheport	I-70	Dual Lanes
Jefferson City	US 63/US 54	Dual Bridges
Washington	MO 47	22'0"
Lexington	MO 13	Dual Lanes

Kansas City Area

Platte County (KCI)	I-435	Dual Bridges
Riverside	I-635	Dual Lanes
Fairfax	US 69	Dual Bridges
Broadway	US 169	Dual Lanes
Heart of America	MO 9	Dual Lanes
Paseo	I-29/I-35	Dual Lanes
Randolph	I-435	Dual Lanes
Liberty (Courtney)	MO 291	Dual Bridges

St. Louis Area

Weldon Springs	40/61 (I-64)	Dual Bridges
Blanchette	I-70	Dual Bridges
St. Charles (Discovery Br)	MO 370	Dual Bridges
St. Charles (West Alton)	US 67	Dual Bridges
Page Avenue	MO 364	Dual Bridges

MISSISSIPPI RIVER BRIDGES

Location	Route	Roadway Width
Hannibal	I 72/US 36	Dual Lanes
Louisiana	US 54	20'0"
Quincy, IL	US 24	Dual Bridges
Alton, IL	US 67	Dual Lanes
St. Louis City (Chain of Rocks)	I-270	Dual Lanes
St. Louis (Jefferson Barracks)	I-255	Dual Bridges
Chester, IL	MO 51	22'0"
Cape Girardeau	MO 74	Dual Lanes
Cairo, IL	I-57	Dual Lanes
Caruthersville	I-155	Dual Lanes

No permit movement on the following Mississippi River Bridges:

Location	Route
St. Louis City (Poplar Street)	I-70/I-55/I-64
St. Louis City (MLK)	MO 799
Cairo, IL	US 60/US 62

No permit movement exceeding 10'6" in width on the following Missouri River Bridge:

Location	Route
Hermann	MO 19

(C) Overlength permits shall be limited to a nonreducible vehicle and load with an overall length for a single unit not exceeding sixty feet (60') and for combination units not exceeding one hundred fifty feet (150'). Steering mechanisms may be required on rear axles of combination units.

(D) Overheight permits for all movements will be limited to a nonreducible combination of vehicle and load height not exceeding the vertical clearance of the structures on the most feasible direct route between origin and destination. Arrangements for the raising or removal of overhead lines will be the responsibility of the permittee. It is also the responsibility of the permittee to check all structures and overhead wires for clearances before movement.

(E) The movement of noncommercial buildings exceeding routine special permit dimension limitations will be determined on an individual basis dependent on building size, roadway and structure width and clearances, traffic volumes and other applicable factors. Permits for movement of such buildings shall be issued by the district offices (see section (16)).

(F) Movement of farm products (hay) up to, but not exceeding, fourteen feet (14') in width will be allowed by permit. These movements must comply with all existing Missouri overdimension and overweight permit regulations except reference to reducible loads in subsection (1)(B) shall not apply. The hauling unit must be properly insured and licensed.

(G) Night movement for hauling hay up to fourteen feet (14') in width will be allowed by single trip permit. This movement will require a front and a rear escort on all two (2)-lane and multi-lane undivided highways. A rear escort is required on interstate and other dual lane divided highways. Oversize load signs are required and shall be lighted or reflectorized. Clearance lights in lieu of flags shall be mounted at extreme ends or load projections when moving after daylight hours and/or when visibility is less than five hundred feet (500'). Continuous, uninterrupted two-way communication is required between the power unit and all escort vehicles. Movement is restricted for urban and tourist areas as outlined in subsections (9)(D) and (9)(E). Movement is restricted for holiday periods as outlined in subsection (1)(I).

(11) Regulations for Routine Overweight Permits. The following regulations apply to permit moves to transport nonreducible and nondivisible loads. See section (15) for super heavy and large load movement:

(A) Overweight permits may specify maximum and minimum speeds and method of vehicle operation to reduce hazards or control impact factors and load distribution on pavements and bridges. Overweight loads not overdimensional and not exceeding the gross weight limit as listed in subsection (11)(D) will be granted day and night movement except travel during holiday and holiday weekend periods as listed in subsection (1)(I) and except for movement in tourist areas listed in subsection (9)(D). All movements authorized under overweight permits will be over specified routes on the state highway system only;

(B) Axles included in booster axle, tandem axle, triple axle or quadrum axle groups on all hauling units shall be equipped with dual wheels or equivalent tread width. When configuring trailers for hauling units with seven (7) or more axles, conventional axles or booster axles may be used for the addition of the single axle or tandem axle groups that may be placed at the end of the trailer. Definitions—

1. The term "axle" shall mean a common axis of rotation of one or more wheels whether power-driven or freely rotating, and regardless of the number of wheels carried thereon;

2. The term "axle group" shall mean an assembly of two (2) or more consecutive axles considered together in determining their combined load effect on pavement or structures. Axle groups must have a common equalization system which will equalize the load between or among axles in both static and dynamic conditions. Any combination of mechanically equalized axles with either air suspen-

sion or any other suspension system used to form axle groups is not allowed;

3. The term "spread axles" shall mean two (2) axles which are more than ninety-six inches (96") apart and are considered single axles;

4. The term "tandem axle" shall mean a group of two (2) or more axles arranged one behind another, where the distance between the extreme centers is more than forty inches (40") and not more than ninety-six inches (96") apart;

5. The term "triple axle or tridem" shall mean a group of three (3) axles which are fully equalized automatically or mechanically and the distance between the centers of the extreme is more than ninety-six inches (96") and not more than one hundred forty-four inches (144");

6. The term "quadrum axle" shall mean a group of four (4) axles which are fully equalized automatically or mechanically, the distance between each of the four (4) axles is evenly spaced and the distance between the centers of the extreme is not more than one hundred ninety-two inches (192");

7. The term "lift axle" shall mean any axle designed with the capabilities of manipulation or adjustment of the weight on it or the axle group by use of manual valve(s). Under no circumstances will "lift axles" be recognized in weight computations. An additional axle may be added to an existing axle group provided—

A. All axles have a common equalization system;

B. All equalization is accomplished with automatic valves; and

C. Axle lifting mechanism is located outside the cab, not readily accessible to driver; and

8. The term "booster axle" shall mean an extension of a hauling unit which when attached to the trailer adds a single axle, or tandem axle group. To be acceptable, a booster axle must connect to the vehicle frame in such a manner as to equalize the load between axles;

(C) The allowable combination configurations for overweight special permits are as follows:

5-Axle Configurations

Single-Tandem-Tandem (1-2-2)

Single-Tandem-Spread (1-2-2)

Minimum distance between the centers of the first and last axles is fifty-one feet (51').

Maximum gross weight allowed on a 5-axle configuration is ninety-two thousand (92,000) pounds.

6-Axle Configurations

Single-Tandem-Triple (1-2-3)

Single-Triple-Tandem (1-3-2)

Minimum distance between the centers of the first and last axle is forty-three feet (43').

Maximum gross weight allowed on a 6-axle configuration is one hundred twelve thousand pounds (112,000).

7-Axle Configurations

Single-Triple-Triple (1-3-3) (Routine Configuration)

Single-Tandem-Quad (1-2-4) (Alternative Configuration)

Single-Tandem-Triple-Single (1-2-3-1)

Single-Triple-Tandem-Single (1-3-2-1)

Single-Tandem-Tandem-Tandem (1-2-2-2)

Minimum distance between the centers of the first and last axles is fifty-five feet (55') for the routine configuration, seventy-five feet (75') for the alternative configuration, and sixty-nine feet (69') for all other configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem, triple and quad axle groupings and on single axles used in combination with

these groupings.

Maximum gross weight allowed on a 7-axle configuration is one hundred twelve thousand (112,000) pounds for the alternative configuration and one hundred thirty-two thousand (132,000) pounds for all other configurations.

8-Axle Configurations

Single-Triple-Quad (1-3-4) (Routine Configuration)

Single-Tandem-Tandem-Triple (1-2-2-3)

Single-Triple-Triple-Single (1-3-3-1)

Single-Triple-Tandem-Tandem (1-3-2-2)

Single-Tandem-Triple-Tandem (1-2-3-2)

Minimum distance between the centers of the first and last axle is sixty-one feet (61') for the routine configuration and seventy-five feet (75') for all other configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem, triple and quad axle groupings and on single axles used in combination with these groupings.

Maximum gross weight allowed on an 8-axle configuration is one hundred thirty-two thousand (132,000) pounds for the routine configuration and one hundred fifty-two thousand (152,000) pounds for all other configurations.

9-Axle Configurations

Single-Triple-Tandem-Triple (1-3-2-3) (Routine Configuration)

Single-Quad-Quad (1-4-4) (Alternative Configuration)

Single-Tandem-Triple-Triple (1-2-3-3)

Single-Triple-Quad-Single (1-3-4-1)

Single-Triple-Triple-Tandem (1-3-3-2)

Single-Tandem-Tandem-Tandem-Tandem (1-2-2-2-2)

Minimum distance between the centers of the first and last axle is seventy-five feet (75') for all configurations. The following axle group spacing limitation will apply to all of the configurations as shown above except for the alternative configuration, but will not apply to the steering axle. A minimum of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem, triple and quad axle groupings and on single axles used in combination with these groupings. When the alternative configuration is used, a minimum distance of thirty feet (30') shall be required between centers of adjacent axles on the consecutive quad axle groupings.

Maximum gross weight allowed on a 9-axle configuration is one hundred thirty-two thousand (132,000) pounds for the alternative configuration and one hundred sixty thousand (160,000) pounds for all other configurations.

10-Axle Configurations

Single-Triple-Triple-Triple (1-3-3-3) (Routine Configuration)

Single-Tandem-Tandem-Tandem-Triple (1-2-2-2-3)

Single-Triple-Tandem-Tandem-Tandem (1-3-2-2-2)

Single-Tandem-Triple-Tandem-Tandem (1-2-3-2-2)

Single-Tandem-Tandem-Triple-Tandem (1-2-2-3-2)

The minimum distance between the centers of the first and last axle is eighty-five feet (85') feet for all configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above except for the routine configuration, but will not apply to the steering axle.

A minimum of fourteen feet (14') feet shall be required between centers of adjacent axles on consecutive tandem and triple axle groupings. When the routine configuration is used, a minimum distance of twenty feet (20') feet shall be required between centers of adjacent axles on the consecutive triple axle groupings.

When possible, the distribution of the loading to the various axle groupings should be done in a manner to equalize the loadings to all of the axles on the entire configuration. When full equalization

between the axles on the configuration is not possible, the gross weight variation between the individual axles (excluding the steering axle) on the entire configuration shall not be more than twenty-five percent (25%).

The maximum gross weight allowed on a 10-axle configuration is one hundred sixty thousand (160,000) pounds.

11-Axle Configurations

Single-Tandem-Tandem-Triple-Triple (1-2-2-3-3)

Single-Tandem-Triple-Tandem-Triple (1-2-3-2-3)

Single-Triple-Tandem-Tandem-Triple (1-3-2-2-3)

Single-Triple-Triple-Tandem-Tandem (1-3-3-2-2)

Single-Triple-Tandem-Triple-Tandem (1-3-2-3-2)

Single-Tandem-Triple-Triple-Tandem (1-2-3-3-2)

The minimum distance between the centers of the first and last axle is eighty-five feet (85') for all configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem and triple axle groupings.

When possible, the distribution of the loading to the various axle groupings should be done in a manner to equalize the loadings to all of the axles on the entire configuration.

When full equalization between the axles on the configuration is not possible, the gross weight variation between the individual axles (excluding the steering axle) on the entire configuration shall not be more than twenty-five percent (25%).

The maximum gross weight allowed on an 11-axle configuration is one hundred sixty thousand (160,000) pounds.

12-Axle Configurations

Single-Tandem-Triple-Triple-Triple (1-2-3-3-3)

Single-Triple-Tandem-Triple-Triple (1-3-2-3-3)

Single-Triple-Triple-Tandem-Triple (1-3-3-2-3)

Single-Triple-Triple-Triple-Tandem (1-3-3-3-2)

The minimum distance between the centers of the first and last axle is eighty-five feet (85') for all configurations.

The following axle group spacing limitation will apply to all of the configurations as shown above, but will not apply to the steering axle. A minimum distance of fourteen feet (14') shall be required between centers of adjacent axles on consecutive tandem and triple axle groupings.

When possible, the distribution of the loading to the various axle groupings should be done in a manner to equalize the loadings to all of the axles on the configuration.

When full equalization between the axles on the configuration is not possible, the gross weight variation between the individual axles (excluding the steering axle) on the entire configuration shall not be more than twenty-five percent (25%).

The maximum gross weight allowed on a 12-axle configuration is one hundred sixty thousand (160,000) pounds.

(D) The maximum allowable axle weights for permits are as follows:

1. Single axle—twenty thousand (20,000) pounds;
2. Tandem axle group—forty thousand (40,000) pounds, but not more than twenty-one thousand (21,000) pounds for any one (1) axle of a multi-axle group;
3. Triple axle group—sixty thousand (60,000) pounds, but not more than twenty-one thousand (21,000) pounds for any one (1) axle of a multi-axle group;
4. Quadrum axle group—sixty thousand (60,000) pounds, but not more than sixteen thousand (16,000) pounds for any one (1) axle of a quadrum axle group; and

(E) Prior to issuing an overweight permit, the equalization system of the axle groups on the power unit and the trailer must be accepted by the Missouri Department of Transportation, Motor Carrier

Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102. Detailed schematic drawings may be requested. It shall be the responsibility of the applicant to contact the Motor Carrier Services Division for approval or disapproval;

(F) When it is necessary to move specialized equipment, such as mobile cranes, rock crushers, drilling equipment or other equipment which cannot be reasonably reduced in weight to comply with legal weights, consideration shall be given for a special permit for these moves. The applicant must first give assurance that the unit has been reasonably reduced in weight and dimension (exclusive of attachments that are an intricate part necessary for the operation of the machine and/or machine adjustments necessary for weight distribution). After the weight has been reduced to a reasonable minimum, a special permit may be issued for weights not to exceed twenty thousand (20,000) pounds or legal weight on a single axle, forty thousand (40,000) pounds on a tandem axle, sixty thousand (60,000) pounds on a triple axle group or sixty thousand (60,000) pounds on a quadrum axle group. Axle and axle groups are defined in subsection (11)(C); and

(G) The maximum allowable gross weight in pounds shall be determined by the number of axles and the distance between the external axles as indicated in the following chart:

GROSS WEIGHT TABLE
Specialized Equipment 2, 3, 4, 5, 6 Axles

Feet	Legal Wt. 2 Axle	Permit Max. 2 Axle	Legal Wt. 3 Axle	Permit Max. 3 Axle	Legal Wt. 4 Axle	Permit Max. 4 Axle	Legal Wt. 5 Axle	Permit Max. 5 Axle	Legal Wt. 6 Axle	Permit Max. 6 Axle
4	34,000	40,000								
8	34,000	40,000	34,000	42,500						
9	39,000	40,000	42,500	53,125						
10	40,000	40,000	43,500	54,375						
11			44,000	55,000						
12			45,000	56,250	50,000	62,500				
13			45,500	56,875	50,500	63,125				
14			46,500	58,125	51,500	64,375				
15			47,000	58,750	52,000	65,000				
16			48,000	60,000	52,500	65,625	58,000	72,500		
17			48,500		53,500	66,875	58,500	73,125		
18			49,500		54,000	67,500	59,000	73,750		
19			50,000		54,500	68,125	60,000	75,000		
20			51,000		55,500	69,375	60,500	75,625	66,000	85,260
21			51,500		56,000	70,000	61,000	76,250	66,500	86,840
22			52,500		56,500	70,625	61,500	76,875	67,000	88,420
23			53,000		57,500	71,875	62,500	78,125	68,000	90,000
24			54,000		58,000	72,500	63,000	78,750	68,500	91,500
25			54,500		58,500	73,125	63,500	79,375	69,000	93,160
26			55,500		59,500	74,375	64,000	80,000	69,500	94,740
27			56,000		60,000	75,000	65,000	81,250	70,000	96,320
28			57,000		60,500	75,625	65,500	81,875	71,000	97,900
29			57,500		61,500	76,875	66,000	82,500	71,500	99,480
30			58,500		62,000	77,500	66,500	83,125	72,000	101,050
31			59,000		62,500	78,125	67,500	84,375	72,500	102,630
32			60,000		63,500	79,375	68,000	85,000	73,000	104,210
33					64,000	80,000	68,500	85,625	74,000	105,790
34					64,500		69,000	86,250	74,500	107,370
35					65,500		70,000	87,500	75,000	108,950
36					66,000		70,500	88,125	75,500	110,530
37					66,500		71,000	88,750	76,000	112,110
38					67,500		72,000	90,000	77,000	113,680
39					68,000		72,500	90,625	77,500	115,260
40					68,500		73,000	91,250	78,000	116,890
41					69,500		73,500	91,875	78,500	118,420
42					70,000		74,000	92,500	79,000	120,000
43					70,500		75,000	93,750	80,000	
44					71,500		75,500	94,375		
45					72,000		76,000	95,000		
46					72,500		76,500	95,625		
47					73,500		77,500	96,875		
48					74,000		78,000	97,500		
49					74,500		78,500	98,125		
50					75,500		79,000	98,750		
51					76,000		80,000	100,000		
52					76,500					
53					77,500					
54					78,000					
55					78,500					
56					79,500					
57					80,000					

GROSS WEIGHT TABLE
Specialized Equipment with 7, 8, 9 Axles

Feet	Legal Wt. 7 Axle	Permit Max. 7 Axle	Legal Wt. 8 Axle	Permit Max. 8 Axle	Legal Wt. 9 Axle	Permit Max. 9 Axle
24	74,000	92,800				
25	74,500	94,400				
26	75,000	96,000				
27	75,500	97,600				
28	76,500	99,200				
29	77,000	100,800				
30	77,500	102,400				
31	78,000	104,000				
32	78,500	105,000				
33	79,000	107,200				
34	80,000	108,800		108,800		
35		110,400		110,400		
36		112,000		112,000		
37		113,600		113,600		
38		115,200		115,200		
39		116,800		116,800		
40		118,400		118,400		
41		120,000		120,000		
42		121,600		121,600		
43		123,200		123,200		123,200
44		124,800		124,800		124,800
45		126,400		126,400		126,400
46		128,000		128,000		128,000
47		129,600		129,600		129,600
48		131,200		131,200		131,200
49		132,800		132,800		132,800
50		134,400		134,400		134,400
51		135,520		136,000		136,000
52		136,640		137,600		137,600
53		137,760		139,200		139,200
54		138,880		140,800		140,800
55		140,000		142,400		142,400
56				144,000		144,000
57				144,800		144,800
58				145,600		145,600
59				146,400		146,400
60				147,200		147,200
61				148,000		148,000
62				148,800		148,800
63				149,600		149,600
64				150,000		150,000
65				151,200		151,200
66				152,000		152,000

If the specialized equipment exceeds the:

1. Allowable weight on an axle or axle group;
2. Gross weight for the number of axles; or
3. Does not meet the required axle spacings for the number of axles;

the permit request will be considered according to the rules of section (15).

(12) Procedures for Emergency Movements.

(A) Railroad derailments and other civil disasters may create the necessity for an emergency movement by overdimension/overweight vehicles.

(B) Emergency movements into or within the state may be allowed day or night, seven (7) days a week by verbal approval from either the motor carrier compliance supervisor or other designated motor carrier services representative.

(C) An official permit covering each emergency movement must be obtained on the first working day immediately following the move.

(D) Verbal authority for an emergency movement may be granted only after confirmation that an emergency exists by an authorized representative of the permittee who shall be required to furnish information on conditions at the location of the emergency and the name of the company to perform the emergency service.

(E) The Missouri Department of Transportation representative granting authority for an emergency movement will advise the Missouri State Highway Patrol that the move is authorized and furnish information on the vehicle involved, such as make and license of hauling units, axle weights, load dimensions, location, routes of travel, and the estimated time of the movement. The restriction prohibiting travel in tourist areas, during curfew hours, at night and on holidays or holiday weekend periods will be waived for the initial response to the emergency site.

(F) Permits for return trips will be issued during regular working hours only and each unit must comply with the permit regulations' limitations for weight and dimensions.

(G) Emergency movements are not exempt and will not be waived of the requirement to stop at weigh stations.

(H) Violations are not in the interest of public safety and any misrepresentation in the application, verbal request for a permit, or violation of the terms of the verbal authority for movement may result in denial of future authorizations being granted for an emergency move.

(I) Escort vehicles shall travel approximately three hundred feet (300') in front on two (2)-lane pavement or approximately three hundred feet (300') in rear on dual lane or multi-lane undivided pavement. Escort vehicles shall use clearance lights in lieu of flags and reflectorized oversize load signs when visibility is less than five hundred feet (500'). Escort vehicles will not be allowed to convoy movements.

(J) In addition to the special provisions contained herein, the permittee shall use clearance lights in lieu of flags at the extreme edges of an overwidth load and reflectorized oversize load signs mounted on the front and rear of the vehicle and load when visibility is less than five hundred feet (500') and shall observe all other Missouri overdimension and overweight permit regulations.

(K) The permittee shall be responsible for any damage to the roadway surface, shoulders, bridge structures or other highway facilities resulting from operations authorized pursuant to this section.

(L) Blanket permits for emergency movements, if authorized, in lieu of verbal procedure, require special procedures in addition to those previously mentioned (see section (7)).

1. Such blanket permits will be valid only for the initial response to an emergency and the return trip from that emergency. Movement for purposes other than to or from an emergency response will require a single trip permit be obtained during regular working hours and must comply with the permit regulations' limitations for weight and dimensions.

(13) Regulations for the movement of loads over twelve feet four inches (12'4") to fourteen feet (14') wide. The following requirements in addition to the requirements of overdimension and overweight permit regulations for movement of loads up to twelve feet four inches (12'4") in width shall apply to all loads over twelve feet four inches (12'4") to fourteen feet (14') in overall width.

(A) Restrictions and Requirements. Bridge crossings may require stopping traffic on two (2)-lane highways where bridge width is less

than twenty-eight feet (28'); a distance of at least one thousand feet (1,000') between overdimension vehicles is required; escorts may act as flaggers.

1. Travel on interstate and other divided highways allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset except where restricted in tourist and urban areas (see subsections (9)(D) and (9)(E)) and as prohibited by holiday restrictions in subsection (1)(I).

2. No movement from 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. on all other routes on the state highway system and no movement allowed on Saturday and Sunday in tourist areas (see subsection (9)(D)).

(B) Escort Requirements. One (1) escort is required for each overdimension unit on the interstate and designated route system. This escort shall be in the rear on dual-lane, divided, or multi-lane pavement and in the front on two (2)-lane pavement. Travel on routes off interstate and designated route system will require two (2) escorts (one (1) front and one (1) rear). Continuous, uninterrupted two-way communication is required between the power unit and all escort vehicles.

(C) All permits will be one (1)-way single trip.

(14) Regulations for the movement of loads over fourteen feet (14') to sixteen feet (16') overall width. The following requirements, in addition to the requirements of overdimension and overweight permit regulations for movement of loads up to twelve feet four inches (12'4") in width, shall apply to the movement of allowed loads. Farm products (hay) shall not exceed fourteen feet (14') in width.

(A) Routes over which these loads will be considered are highways with pavement at least twenty-four feet (24') wide with at least four foot (4') shoulders and travel on routes of lesser width shall be for the shortest practical distance to complete the move, unless traffic volume, roadway alignment and/or other circumstances justify alternate routing.

1. Travel on interstate and other divided highways allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset, except where restricted in tourist and urban areas (see subsections (9)(D) and (E)); and movement is limited to Monday through Friday except as prohibited by holiday restrictions (see subsection (1)(I)).

2. Movement is further restricted from 6:30 to 9:00 a.m. and 3:30 to 6:00 p.m. on all other routes on the state highway system.

(B) Escort Requirements. One (1) escort is required in the rear on interstate and other divided highways. Two (2) escorts are required on all multi-lane undivided and two (2)-lane highways, one (1) front and one (1) rear. Continuous, uninterrupted two-way communication is required between the power unit and all escort vehicles.

(C) Additional Restrictions and Requirements.

1. No movement on two (2)-lane highways when dirt shoulders are wet.

2. Bridge crossing may require stopping traffic on two (2)-lane highways where bridge width is less than thirty-two feet (32'). A distance of at least one thousand feet (1,000') between overdimension vehicles is required; escorts may act as flaggers.

(D) All permits will be one (1)-way single trip.

(15) Super Heavy and Large Load Movement. Loads in excess of routine permit limits will be considered according to the following regulations when air, rail or water terminal points are not available:

(A) All permit applications with dimensions or weights exceeding the routine limits of the preceding overdimension and overweight permit rule (generally in excess of sixteen feet (16') wide, sixteen feet (16') high, one hundred fifty feet (150') long and/or over one hundred sixty thousand (160,000) pounds gross weight) shall be submitted in writing to the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102. Proof of insurance and valid vehicle registration may also be required. An application for this type of

move is available on request or online. The applicant should allow at least two (2) weeks for a route evaluation. If any problems exist that may prevent the move from reaching its destination over the state highway system, the application will not be approved.

(B) The applicant may be required to provide a traffic control plan, sketches or additional information for complex moves. One (1) lane for oncoming traffic must be open and clear for two (2)-lane highways and one (1) lane for both oncoming and following traffic must be open on four (4)-lane highways. If open lanes cannot be provided, a detour may be proposed.

(C) If the loaded height exceeds seventeen feet five inches (17'5"), the applicant shall provide a written document from the appropriate utility company indicating approval to disturb aerial lines across the route.

(D) If it is necessary to adjust, modify or remove state owned property such as signal and sign mast arms, flashers, signs, etc., a qualified contractor approved by the Missouri Department of Transportation shall be hired by the applicant to perform the necessary adjustment or removal and replacement.

(E) Restrictions and Requirements.

1. Travel on interstate and other divided highways allowed from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset except where restricted in tourist and urban areas (see subsections (9)(D) and (9)(E)) and as prohibited by holiday restrictions in subsection (1)(I).

2. No movement from 6:30 a.m. to 9:00 a.m. and 3:30 p.m. to 6:00 p.m. on all other routes on the state highway system.

3. Travel is allowed on Saturday and Sunday for moves fourteen feet (14') wide and less if the load is not required to cross bridge structures at crawl speed and/or the load does not require Missouri State Highway Patrol escorts, except no movement is allowed on Saturday and Sunday in tourist areas (see subsection (9)(D)).

4. Unless otherwise stated on the permit, dates and times of travel will be determined by the Missouri State Highway Patrol if the load requires their escort services.

(F) Escort Requirements. If Missouri State Highway Patrol escorts are required for a continuous portion of the move but not the entire move, they are only required for that portion. If the patrol escort is required for an intermittent portion of the move, they will be required to escort the entire move. In addition to escort requirements as outlined in subsection (9)(I), the following requirements apply to super heavy and large load movements:

1. One (1) front and one (1) rear civilian escort is required for all superloads, except;

2. If a load is required to cross bridge structures at crawl speed in the Kansas City and St. Louis areas then, one (1) front and two (2) rear civilian escorts are required for that portion of the move;

3. One (1) front and two (2) rear civilian escorts are required on all sections of dual lane highways traversed if load exceeds sixteen feet (16') wide. In addition to the civilian escorts required above;

4. Missouri State Highway Patrol escorts are required when load exceeds:

A. Sixteen feet (16') wide on any highway other than interstate;

B. Eighteen feet (18') wide on interstate;

C. One hundred fifty feet (150') overall length.

(G) All future permitting authority for a carrier may be revoked if the Missouri State Highway Patrol is not reimbursed for superload escorting services.

(H) Generally the maximum weight allowed on any single axle will be twenty-two thousand four hundred (22,400) pounds for all moves classified under this section. All axles on the hauling unit must be load carrying with a maximum degree of equalization. The Missouri Department of Transportation shall determine whether or not the hauling unit, number of axles and axle arrangements are acceptable. In all cases the maximum axle loads, gross weight and overall dimensions allowed will be determined by the Missouri Department of Transportation according to section 304.200 of the *Missouri Revised*

Statutes and/or the load carrying capacity of the roadway and structures on the proposed route.

(I) Before and after studies will be conducted of the highways and bridges traversed by the movement and any resulting damages shall be repaired at the expense of the permittee as directed by the Missouri Department of Transportation.

(J) For the purpose of moves under section (15), the applicant must have insurance in the amount of two (2) million dollars combined single limit automobile liability before a permit can be issued. The applicant shall provide evidence of such insurance satisfactory to the Motor Carrier Services Division before a permit will be issued; and

(K) Approved applications will require full payment to the "Director of Revenue, Credit State Road Fund," by check or other suitable means of payment. The draft shall include payment of the permit fee and all evaluation fees. Roadway structures on the proposed route will be analyzed by the Missouri Department of Transportation to determine whether the move can be safely made. (See paragraph (4)(E)5. for fee schedule.)

(16) Noncommercial Building (House) Movement.

(A) Permits are available for the movement of noncommercial buildings that exceed the established overdimension and overweight permit limits listed in these regulations. These permits are available from district offices listed in subsection (4)(H). These rules and regulations are not intended for the movement of commercial buildings or repeated movements of similar buildings.

1. Movement of a building that will not allow one-way traffic to pass the load will be limited to no more than one (1) mile in length on the state highway system if the traffic volume on the proposed route exceeds five hundred (500) vehicles per day. If the traffic volume is less than five hundred (500) vehicles per day, movement will be considered up to a distance of three (3) miles on the state highway system.

2. Movement of a building greater than sixteen feet (16') in overall width that will allow one-way traffic to pass the load will be limited to no more than two (2) miles on the state highway system if the traffic volume on the proposed route exceeds two thousand (2,000) vehicles per day. If the traffic volume is less than two thousand (2,000) vehicles per day, movement will be considered up to a distance of ten (10) miles on the state highway system.

3. The traveled distances listed in the above two (2) paragraphs reflect the total miles of the move on the state highway system rather than miles allowed to move per attempt. Short segments of the state highway system may be used in a move provided the total mileage allowed on the state highway system is not exceeded. The district engineer or his/her representative may consider a longer travel distance if the entire move can be made during periods of lower traffic volumes listed in the above two (2) paragraphs of this section. Additional restrictions regarding travel during adverse weather conditions are at the discretion of the Missouri Department of Transportation district engineer or his/her representative.

(B) The allowable overall height, width, length and time of travel shall be based on physical features and traffic volumes along the route. Bridges posted with a maximum weight limit of less than forty (40) tons should be avoided and will be analyzed for the type vehicle and load prior to receiving approval to cross that bridge. All axles on the hauling unit shall be load carrying with a maximum degree of equalization. The district engineer or his/her representative shall determine whether or not the hauling unit, number of axles and axle arrangements are acceptable. When it is determined a bridge analysis is required, an additional fee shall be charged to recover bridge analysis costs. See subsection (4)(E). Loads in excess of sixteen feet (16') in width may require a sketch displaying the side and rear view of the load with dimensions including any overhang.

(C) If the load is over seventeen feet five inches (17'5") high the applicant shall check all overhead clearance restrictions and provide written documentation from any involved utility company indicating

approval to disturb aerial lines across the route. The applicant must also submit written acknowledgement from all cities/counties in which the move occurs. If it is necessary to adjust, modify, or remove state owned property such as signal and sign mast arms, flashers, signs, etc., a qualified contractor approved by the Missouri Department of Transportation shall be hired by the applicant to perform the necessary adjustment or removal and replacement. See section 324.721 of the *Missouri Revised Statutes* for additional information.

(D) For the purpose of moves under section (16), the applicant must have a current house mover license, applicable operating authority and must have insurance in the amount of two (2) million dollars combined single limit automobile liability before a permit can be issued. The applicant shall provide evidence of such license and insurance satisfactory to the Missouri Department of Transportation and the insurance shall include the following under Description of Operation: "STRUCTURAL MOVING OPERATIONS OF THE NAMED INSURED INCLUDED IN THIS COVERAGE."

(E) Escort Requirements. Applicants should refer to sections 324.700 through 324.745 of the *Missouri Revised Statutes* for additional information pertaining to house moves. In addition to escort requirements as outlined in paragraph (9)(H)4. and subsection (9)(I), the following requirements apply to all house moves:

1. One (1) front and one (1) rear civilian escort is required for all house moves, except;
2. One (1) front and two (2) rear civilian escorts are required in Kansas City and St. Louis areas when load is required to cross bridge structures at crawl speed;
3. One (1) front and two (2) rear civilian escorts required on all sections of dual lane highways traversed if load exceeds sixteen feet (16') wide;
4. Law enforcement escorts may be required at the district engineer or his/her representative's discretion.

(17) Multi-State Permits.

(A) The Missouri Department of Transportation is authorized to participate in the Multi-State Permit Program. This program provides a single, routine, uniform mechanism for processing single-trip permits for oversize and overweight vehicle combinations at the option of the department. Such a permit allows a motor carrier to travel through several states with one (1) point of contact and one (1) permit document.

(B) The same rules, regulations and fees apply to Multi-State Permits as any other single trip permit except the permit will be valid for a period of ten (10) calendar days. Also, these permits can only be obtained to transport loads within current envelope dimensions and weights.

(18) Permit and application forms are available from the Missouri Department of Transportation, Motor Carrier Services Division, 1320 Creek Trail Drive, PO Box 893, Jefferson City, MO 65102 or call (800) 877-8499 or (573) 751-7100.

AUTHORITY: section 304.200, RSMo Supp. 2004. This rule was previously filed as 7 CSR 10-2.010. This version of rule filed July 12, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities, including small business, \$2,995,907 annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be consid-

ered, comments must be received within thirty (30) days (after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 25 - Motor Carrier Operations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 7 CSR 10-25.020 Overdimension and Overweight Permits

II. SUMMARY OF FISCAL IMPACT

Estimate of the Number of Entities by class which would likely be affected by the adoption of the rule:	Classification by types of business entities which would be affected:	Estimated Cost in the Aggregate.
771	Insurance companies providing coverage for motor carriers using OD/OW permits	\$35,450
200	Motor Carriers moving superloads requiring Missouri State Highway Patrol Escorting services	\$480,000
2,150	Motor Carriers purchasing OD/OW permits	\$1,524,689
920	Motor Carriers paying higher insurance premiums in order to maintain new minimum combined liability level of \$750,000	\$950,360
5	Motor Carriers paying higher insurance premiums in order to maintain new minimum combined liability level of \$2,000,000.	\$5,408
TOTAL CY 2006		\$2,995,907

III. WORKSHEET

Estimated annual cost for overdimension (OD) and overweight (OW) permits.

INSURANCE CERTIFICATION

Filing fee for insurance companies to certify carriers have sufficient coverage -	\$25.00
Number of out-of-state carriers who currently do not have insurance certification on file-	1,150
Number of Missouri carriers who do not currently have insurance certification on file -	268

Total estimated cost for insurance certification filing fee: $\$25.00 \times (1,150 + 268) = \$35,450$

SUPERLOADS REQUIRING MISSOURI STATE HIGHWAY PATROL (MSHP) ESCORTS

Cost for off-duty MSHP escorting averages \$2,400 per move.

$\$2,400 \times 200 = \$480,000.$

Number of expected MSHP escorted moves per year is 200.

INCREASE IN PERMIT FEE: CALENDAR YEAR (CY) 2006

Category	# of Permits Issued 1/01/05 – 4/27/05	# of Permits Projected for CY2005	# of Permits Projected for CY2006
SINGLE TRIP OD PERMITS	30,903	96,407	109,516
MULTI-STOP OD PERMITS	44	137	156
SINGLE TRIP OW PERMIT UP TO 160,000 lbs	11,580	36,407	41,038
ANNUAL OD PERMITS	2,335	7,284	8,275
ANNUAL OW WELL- DRILLERS' BLANKET PERMIT	10	31	35
PRE ISSUED PERMITS	212	661	751
SUPERLOAD: OD ONLY	66	206	234
SUPERLOAD: OW or OW+OD	337	1,051	1,194

Category	Current Fees	Proposed Fees	Calculations	Estimated Revenue Increase
Single Trip OD Permit	\$12	\$15	\$3 x 109,516	\$328,548
Multi-stop OD Permit	\$20	\$25	\$5 x 156	\$780
Single trip OW Permit Up to 160,000 lbs	\$12 + \$15 per 10,000 lbs over	\$15 + \$20 per 10,000 lbs over	(\$3 x 41,038) + (\$5 x 3 x 41,038)	\$738,684
Annual OD Permit	\$100	\$128	\$28 x 8,275	\$231,700
Annual OW Well- Drillers' Blanket Permit \$1,750	\$250	\$300	\$50 x 35	
Pre-Issued Permits \$2,253	\$12	\$15	\$3 x 751	
Superload: OD only (>16' high or >150' long)	\$12 + \$200 (movement feasibility study)	\$15 + \$250 (movement feasibility study)	(\$3 x 234) + (\$50 x 234)	\$12,402
Superload: OW or OW and OD	\$12 + \$15 per 10,000 lbs per + \$350-750 for bridge and roadway analysis	\$15 + \$20 per 10,000 lbs per + \$425-\$925 for bridge and roadway analysis	(\$3 x 1194) + (\$5 x 12 x 1194) + (\$75 x 332) - (\$75 x 424) - (\$175 x 438)	\$208,572
Total Estimated Increase in Permit Cost for CY 2006 –				\$1,524,689

INCREASE OF INSURANCE PREMIUMS TO MAINTAIN \$750,000 MINIMUM

Current minimum insurance requirement is \$250,000

Insurance Category	300,000 Liability Policy	\$1,000,000 Policy	Difference
Heavy Local	\$1,393	\$1,786	\$393
Extra Heavy Local	\$1,721	\$2,295	\$574
Heavy Intermediate	\$1,511	\$1,938	\$427
Extra Heavy Intermediate	\$2,016	\$2,688	\$672
Estimated average premium increase per vehicle			\$516.50
Carriers estimated to have less than \$750,00 coverage		$(43.3\% \times 1536) + (43.3\% \times 589) =$	920
Estimated number of vehicles per carrier			2

Total Estimated Increase in Annual Premiums for \$750,000 Minimum Insurance:

$$\$516.50 \times 920 \times 2 = \$950,360$$

INCREASE OF PREMIUMS TO MAINTAIN SUPERLOAD MINIMUM INSURANCE OF \$2,000,000

Current minimum insurance requirement for superloads is \$1,500,000.

Number of superload carriers who currently maintain \$1,500,000 in liability insurance	5
Total number of vehicles owned by those 5 carriers which perform superload moves	13
Estimated average premium increase per vehicle	\$416.00

Total Estimate Increase in Annual Premiums for Superload \$2,000,000 Minimum Insurance:

$$\$416 \times 13 = \$5,408$$

Total Estimated Costs for CY2006 and Subsequent Years **\$2,995,907***

* See Assumption 3 for expected annual increase in permits issued.

IV. ASSUMPTIONS

1. Since an insurance certificate, once filed, last the entire duration of the insurance coverage, it is assumed that this cost will diminish in the following years to only include new OD/OW permit customers and those carriers who change insurance companies. This number is unforeseeable and will vary from year to year but is not expected to exceed this amount.
2. Total cost for OD/OW permits issued in calendar year 2004 was \$4,760,800.
3. Based on the total number of permits issued yearly since 1989, it was determined that the average growth rate is 4.81%. Therefore, it is assumed that the number of OD/OW permits issued annually will increase by 4.81%.
4. The insurance rates listed were obtained from Winter-Dent Insurance and are annual rates per vehicle. This insurance company did not offer policies for \$250,000 or \$750,000, so the next highest level of coverage was used. Insurance rates may vary depending upon the insurance provider and the type of policies offered.
5. Motor Carrier Services does not collect data on the number of vehicles operated per OD/OW customer; therefore, an estimate of two vehicles per customer was used.
6. To calculate an estimated premium increase per vehicle, the above insurance rates were averaged, and it was assumed that vehicles would be distributed equally among the four rate categories.
7. To estimate the number of carriers with less than \$750,000 coverage, the total population of current OD/OW customers (@ 2,124) was divided between those with a USDOT number (1,536) and those without a USDOT number (589). This was done because Motor Carrier Services can determine from those carriers with USDOT numbers whether the customer also has federal operating authority. Federal operating authority requires insurance coverage meeting the \$750,000 minimum requirement. A sample of 60 customers was randomly selected from those carriers with USDOT numbers. Out of that sample 34 (56.7%) had federal operating authority and the requisite insurance level. It was assumed that the remaining 43.3% only maintained insurance at the current

minimum levels of \$250,000, as required under the current rule. Motor Carrier Services is unable to discern from available data if motor carriers without USDOT numbers maintain insurance at levels higher than the current \$250,000 minimum. The assumption was made that these motor carriers have the same distribution of insurance coverage as those with USDOT numbers.

8. The estimate annual premium increase for superloads moving from \$1,500,000 in coverage to \$2,000,000 was based on insurance quotes provided to a motor carrier.
9. Any other costs not identified in this fiscal note are unforeseeable.
10. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.010 Ambient Air Quality Standards. The commission proposes to amend the Ambient Air Quality Standards Table to now contain the new Eight (8)-Hour Ozone and Particulate Matter 2.5 standards. The table is also being reformatted at this time by switching the Methods and Concentration columns for rule clarity. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

*PURPOSE: This rule provides long-range goals for ambient air quality throughout Missouri in order to protect the public health and welfare. This proposed amendment adopts the new Eight (8)-Hour Ozone (O₃) and Particulate Matter 2.5 (PM_{2.5}) Micron National Ambient Air Quality Standards finalized on July 18, 1997 and mandated under the Clean Air Act into the ambient air quality standards table. The Methods and Concentration columns in this table have also been switched for rule clarity. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the **Federal Register** notices on National Ambient Air Quality Standards for Particulate Matter and Ozone and the Clean Air Act.*

<i>[Pollutant</i>	<i>Method</i>	<i>Concentration</i>	<i>Remarks</i>	<i>Pollutant</i>	<i>Method</i>	<i>Concentration</i>	<i>Remarks</i>
1. Particulate matter 10 micron (PM ₁₀)	As specified in 10 CSR 10-6.040(4)(J)	50 micrograms per cubic meter annual arithmetic mean		5. Nitrogen dioxide	As specified in 10 CSR 10-6.040(4)(F)	0.05 ppm (100 micrograms per cubic meter)	Annual arithmetic mean not to be exceeded
		150 micrograms per cubic meter 24-hour average concentration	As determined 10 CSR 10-6.040(4)(K)	6. Hydrogen sulfide	As specified in 10 CSR 10-6.040(5)	0.05 ppm (70 micrograms per cubic meter)	1/2-hour average not to be exceeded over 2 times per year
2. Sulfur dioxide	As specified in 10 CSR 10-6.040(4)(A)	0.03 ppm (80 micrograms per cubic meter)	Annual arithmetic mean			0.03 ppm (42 micrograms per cubic meter)	1/2-hour average not to be exceeded over 2 times in any 5 consecutive days
		0.14 ppm (365 micrograms per cubic meter)	24-hour average not to be exceeded more than once per year	7. Sulfuric acid	As specified in 10 CSR 10-6.040(6)	10 micrograms per cubic meter	24-hour average not to be exceeded more than once in any 90 consecutive days
		0.5 ppm (1300 micrograms per cubic meter)	3-hour average not to be exceeded more than once per year			30 micrograms per cubic meter	1-hour average not to be exceeded more than once in any 2 consecutive days
3. Carbon monoxide	As specified in 10 CSR 10-6.040(4)(C)	9 ppm (10,000 micrograms per cubic meter)	8-hour average not to be exceeded more than once per year	8. Lead	As specified in 10 CSR 10-6.040(4)(G)	1.5 micrograms per cubic meter	Calendar quarter arithmetic mean not to be exceeded]
		35 ppm (40,000 micrograms per cubic meter)	1-hour average not to be exceeded more than once per year				
4. Photo-chemical oxidants (ozone)	As specified in 10 CSR 10-6.040(4)(D)	0.12 ppm (235 micrograms per cubic meter)	1-hour average not to be exceeded more than one day per year (see 10 CSR 10-6.040(4)(H))				

Pollutant	Concentration	Method	Remarks	Pollutant	Concentration	Method	Remarks
1. Particulate matter 10 micron (PM ₁₀)	50 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(J)	3-year average of annual arithmetic mean	2. Sulfur dioxide	0.03 ppm (80 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(A)	Annual arithmetic mean
	150 micrograms per cubic meter		24-hour average concentration. Not more than one expected exceedance, 3 year average (see 10 CSR 10-6.040(4)(K)		0.14 ppm (365 micrograms per cubic meter)		24-hour average not to be exceeded more than once per year
					0.5 ppm (1300 micrograms per cubic meter)		3-hour average not to be exceeded more than once per year
Particulate matter 2.5 micron (PM _{2.5})	15 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(L)	3-year average of annual arithmetic mean	3. Carbon monoxide	9 ppm (10,000 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(C)	8-hour average not to be exceeded more than once per year
	65 micrograms per cubic meter		24-hour average concentration 98th percentile of monitored daily concentration (see 10 CSR 10-6.040(4)(M))		35 ppm (40,000 micrograms per cubic meter)		1-hour average not to be exceeded more than once per year

Pollutant	Concentration	Method	Remarks	Pollutant	Concentration	Method	Remarks
4. Photo-chemical oxidants (1-hour ozone)	0.12 ppm (235 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(D)	1-hour average. Not more than one expected exceedance, 3 year average (see 10 CSR 10-6.040(4)(H))	7. Sulfuric acid	10 micrograms per cubic meter	As specified in 10 CSR 10-6.040(6)	24-hour average not to be exceeded more than once in any 90 consecutive days
Photo-chemical oxidants (8-hour ozone)	0.08 ppm (156.64 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(D)	8-hour standard not to exceed 3-year average of the 4th highest daily maximum (see 10 CSR 10-6.040(4)(I))		30 micrograms per cubic meter		1-hour average not to be exceeded more than once in any 2 consecutive days
5. Nitrogen dioxide	0.05 ppm (100 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(4)(F)	Annual arithmetic mean not to be exceeded	8. Lead	1.5 micrograms per cubic meter	As specified in 10 CSR 10-6.040(4)(G)	Calendar quarter arithmetic mean not to be exceeded
6. Hydrogen sulfide	0.05 ppm (70 micrograms per cubic meter)	As specified in 10 CSR 10-6.040(5)	1/2-hour average not to be exceeded over 2 times per year				
	0.03 ppm (42 micrograms per cubic meter)		1/2-hour average not to be exceeded over 2 times in any 5 consecutive days				

AUTHORITY: section 643.050, RSMo [Supp. 1992] 2000. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed July 6, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 29, 2005. The public hearing will be held at the Radisson Hotel & Suites, Salon A, 1301 Wyandotte, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 6, 2005. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.020 Definitions and Common Reference Tables.

The commission proposes to amend sections (1) and (3) and subsections (2)(A), (2)(B), (2)(E), (2)(H), (2)(I), (2)(N), (2)(P), (2)(R), (2)(S) and (2)(V); and add new sections (4) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule defines key words and expressions used in Chapters 1 through 6 and provides common reference tables. This amendment adds the definition of the hourly equivalent of the annual de minimis level, updates the rule to provide the definition for a new criteria pollutant, Particulate Matter 2.5 (PM_{2.5}) Micron as required by the new Ambient Air Quality Standards finalized on July 18, 1997 and mandated under the Clean Air Act, deletes Hazardous from the title of the non-VOC Air Pollutant List and adds five (5) new chemical names to the list and removes a material and corrects technical names for four other materials in Table 3—Hazardous Air Pollutants and amends the notes by adding minor rule language. The rule is also being reformatted to the updated rule format for rule standardization, amending the definition of insignificant activity by expansion, as well as the amending of some minor rule language. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the Federal Register notices on National Ambient Air Quality Standards for Particulate Matter and Ozone and the Clean Air Act.

(1) [Application] **Applicability.** This rule shall apply throughout Missouri defining terms and expressions used in all Title 10, Division 10—Air Conservation Commission rules.

(2) **Definitions.**

(A) All terms beginning with "A."

1. **Abatement project designer**—An individual who designs or plans Asbestos Hazard Emergency Response Act (AHERA) asbestos abatement.

2. **Accumulator**—The reservoir of a condensing unit receiving the condensate from the condenser.

3. **Act**—The Clean Air Act, 42 U.S.C. 7401. References to the word Title pertain to the titles of the Clean Air Act Amendments of 1990, P.L. 101-595.

4. **Actual emissions**—The actual rate of emissions of a pollutant from a source operation is determined as follows: 1) actual emissions as of a particular date shall equal the average rate, in tons per year, at which the source operation or installation actually emitted the pollutant during the previous two (2)-year period and which represents normal operation. A different time period for averaging may be used if the director determines it to be more representative. Actual emissions shall be calculated using actual operating hours, production rates and types of materials processed, stored or combusted during the selected time period; 2) the director may presume that source-specific allowable emissions for a source operation or installation are equivalent to the actual emissions of the source operation or installa-

tion; and 3) for source operations or installations which have not begun normal operations on the particular date, actual emissions shall equal the potential emissions of the source operation or installation on that date.

5. **Adequately wet**—To sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

6. **Administrator**—The regional administrator for Region VII, [United States] U.S. Environmental Protection Agency (EPA).

7. **Adsorption cycle**—The period during which the adsorption system is adsorbing and not desorbing.

8. **Adverse impact on visibility**—The visibility impairment which interferes with the protection, preservation, management or enjoyment of the visitor's visual experience of a Class I area, which is an area designated as Class I in 10 CSR 10-6.060(11)(A)2. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with the times of visitor use of the Class I area and the frequency and timing of natural conditions that reduce visibility.

9. **Aerospace assembly and components**—The fabricated part, assembly of parts or completed unit of aircraft, helicopter, missile or space vehicle or associated equipment.

10. **Affected source**—A source that includes one (1) or more emission units subject to emission reduction requirements or limitations under Title IV of the Act.

11. **Affected states**—All states contiguous to the permitting state whose air quality may be affected by the modification, renewal or issuance of, or is within fifty (50) miles of, a source subject to permitting under Title V of the Act.

12. **Affected unit**—A unit that is subject to emission reduction requirements or limitations under Title IV of the Act.

13. **Aggressive air sampling**—Sweeping of floors, ceilings and walls and other surfaces with the exhaust of a minimum of one (1) horsepower leafblower or equivalent immediately prior to air monitoring.

14. **Agricultural incinerator**—An incinerator which is located on a farm or ranch and which has a rated burning capacity of less than one hundred pounds (100 lbs.) per hour of Type IV waste as defined by the Incinerator Standards of the Incinerator Institute of America (11A—STDS66) and is located more than fifteen hundred feet (1500') from the nearest inhabited dwelling not on the farm or ranch.

15. **AHERA**—Asbestos Hazard Emergency Response Act of 1986 (P.L. 99-519).

16. **Air cleaning device**—Any method, process or equipment which removes, reduces or renders less obnoxious air contaminants discharged into the ambient air.

17. **Air contaminant**—Any particulate matter or any gas or vapor or any combination of them.

18. **Air contaminant source**—Any and all sources of emission of air contaminants whether privately or publicly owned or operated.

19. **Air-dried coating**—The coatings which are dried by the use of air or forced warm air at temperatures up to ninety degrees Celsius (90°C) (one hundred ninety-four degrees Fahrenheit (194°F)).

20. **Air pollution**—The presence in the ambient air of one (1) or more air contaminants in quantities, of characteristics and of a duration which directly and approximately cause or contribute to injury to human, plant or animal life or health, or to property or which unreasonably interfere with the enjoyment of life or use of property.

21. **Allowable emissions**—The emission rate calculated using the maximum rated capacity of the installation (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following: 1) emission limit established in any applicable emissions

control rule including those with a future compliance date or 2) the emission rate specified as a permit condition.

22. Allowance—An authorization, allocated to an affected unit by the administrator under Title IV of the Act, to emit, during or after a specified calendar year, one (1) ton of sulfur dioxide (SO₂).

23. Alternate site analysis—An analysis of alternative sites, sizes, production processes and environmental control techniques for the proposed source which demonstrates that benefits of the proposed installation significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

24. Ambient air—All space outside of buildings, stacks or exterior ducts.

25. Ambient air increments—The limited increases of pollutant concentrations in ambient air over the baseline concentration.

26. Anode bake plant—A facility which produces carbon anodes for use in a primary aluminum reduction installation.

27. Applicable requirement—All of the following listed in the Act:

A. Any standard or requirement provided for in the implementation plan approved or promulgated by EPA through rulemaking under Title I of the Act that implements the relevant requirements, including any revisions to that plan promulgated in 40 CFR part 52;

B. Any term or condition of any preconstruction permit issued pursuant to regulations approved or promulgated through rulemaking under Title I, including parts C or D of the Act;

C. Any standard or requirement under section 111 of the Act, including section 111(d);

D. Any standard or requirement under section 112 of the Act, including any requirement concerning accident prevention under section 112(r)(7);

E. Any standard or requirement of the acid rain program under Title IV of the Act or the regulations promulgated under it;

F. Any requirements established pursuant to section 504(b) or section 114(a)(3) of the Act;

G. Any standard or requirement governing solid waste incineration, under section 129 of the Act;

H. Any standard or requirement for consumer and commercial products, under section 183(e) of the Act;

I. Any standard or requirement for tank vessels under section 183(f) of the Act;

J. Any standard or requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the Act;

K. Any standard or requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the administrator has determined that these requirements need not be contained in a Title V permit;

L. Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the Act, but only as it would apply to temporary sources permitted pursuant to section 504(e); and

M. Any standard or requirement established in sections 643.010–643.190, RSMo of the Missouri Air Conservation Law and rules adopted under them.

28. Appropriate warning sign—Any asbestos hazard warning sign that complies with the regulations of the United States Occupational Safety and Health Administration (OSHA) or the EPA rules.

29. Approved source—A source of fuel which has been found by the department director, after the tests as s/he may require, to be in compliance with these rules.

30. Approved waste disposal site—A solid waste disposal area that is authorized by the department to receive friable asbestos containing solid wastes.

31. Area of the state—Any geographical area designated by the commission.

32. Asbestos—The asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.

33. Asbestos abatement—The encapsulation, enclosure or removal of asbestos-containing materials, in or from a building, or air contaminant source; or preparation of friable asbestos-containing material prior to demolition.

34. Asbestos abatement contractor—Any person who by agreement, contractual or otherwise, conducts asbestos abatement projects at a location other than his/her own place of business.

35. Asbestos abatement project—An activity undertaken to encapsulate, enclose or remove ten (10) square feet or sixteen (16) linear feet or more of friable asbestos-containing materials from buildings and other air contaminant sources, or to demolish buildings and other air contaminant sources containing ten (10) square feet or sixteen (16) linear feet or more.

36. Asbestos abatement supervisor—An individual who directs, controls or supervises others in asbestos abatement projects.

37. Asbestos abatement worker—An individual who engages in asbestos abatement projects.

38. Asbestos air sampling professional—An individual who by qualifications and experience is proficient in asbestos abatement air monitoring. The individual shall conduct, oversee or be responsible for air monitoring of asbestos abatement projects before, during and after the project has been completed.

39. Asbestos air sampling technician—An individual who has been trained by an air sampling professional to do air monitoring. That individual conducts air monitoring of an asbestos abatement project before, during and after the project has been completed.

40. Asbestos caution label—A label that complies with applicable EPA, Department of Transportation (DOT) and OSHA rule requirements and is to be securely affixed to a waste container that contains friable asbestos materials.

41. Asbestos-containing material (ACM)—Any material or product which contains more than one percent (1%) asbestos, by weight.

42. Asbestos debris—Material that results from removal or deterioration of asbestos-containing material.

43. Asbestos dismantling project—An asbestos abatement project that includes the disassembling, handling and moving of the components of any structural or equipment item that has been coated with friable asbestos-containing material without first removing this material.

44. Asbestos encapsulation project—An asbestos abatement project involving the coating of a friable asbestos-containing surface material with a sealing substance with the intended purpose of preventing the continued release of asbestos fibers from the material into the air. This definition shall not include:

A. The repainting of a previously painted asbestos-containing surface primarily for the purpose of improving appearance;

B. The application of a sealing material to a surface subsequent to the removal of asbestos from it;

C. The application of an encapsulant to asbestos-containing material while the material is being removed;

D. The application of a sealing substance to less than ten (10) square feet or less than sixteen (16) linear feet of friable asbestos-containing material that is contiguous to other types of material;

E. The application of a sealing substance to asbestos-containing material that has previously been enclosed or encapsulated; or

F. The painting of nonfriable asbestos-containing material.

45. Asbestos enclosure project—An asbestos abatement project that involves the construction of an airtight impact resistant barrier to isolate a surface coated with asbestos-containing material.

46. Asbestos Hazard Emergency Response Act—(AHERA) of 1986 (P.L. 99-519)

47. Asbestos maintenance operation—Any operation that involves the removal or cleanup of less than ten (10) square feet or less than sixteen (16) linear feet of friable asbestos-containing material from any type of structural or equipment item in order to repair, replace or maintain the item and anything attached to it.

48. Asbestos projects—An activity undertaken to remove or encapsulate one hundred sixty (160) square feet or two hundred sixty (260) linear feet or more of friable asbestos-containing materials or demolition of any structure or building or a part of it containing the previously mentioned quantities of asbestos-containing materials.

49. Asbestos removal project—An asbestos abatement project consisting of activities that involve, and are required, to take out friable asbestos-containing materials from any facility. This definition includes, but is not limited to, activities associated with the cleanup of loose friable asbestos-containing debris or refuse, or both, from floors and other surfaces.

50. ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

51. Asphalt prime coat—Application of low-viscosity liquid asphalt to an absorbent surface such as a previously untreated surface.

52. Asphalt seal coat—An application of a thin asphalt surface treatment used to waterproof and improve the texture of an absorbent surface or a nonabsorbent surface such as asphalt or concrete.

53. ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

54. Automobile—A four (4)-wheel passenger motor vehicle or derivative capable of seating no more than twelve (12) passengers.

55. Automobile and light duty truck surface coating operations—The application, flashoff and curing of prime, primer-surfacer, topcoat and final repair coatings during the assembly of passenger cars and light duty trucks excluding the following operations:

A. Wheel coatings;

B. Miscellaneous anti-rust coatings;

C. Truck interior coatings;

D. Interior coatings;

E. Flexible coatings;

F. Sealers and adhesives; and

G. Plastic parts coatings. (*/Customizes/ Customizers*, body shops and other repainters are not part of this definition.)

56. Automotive underbody deadeners—Any coating applied to the underbody of a motor vehicle to reduce the noise reaching the passenger compartment.

(B) All terms beginning with “B.”

1. Base year—The year chosen in the state implementation plan to directly correlate emissions of the nonattainment pollutant in the nonattainment area with ambient air quality data pertaining to the pollutant. From the base year, projections are made to determine when the area will attain and maintain the ambient air quality standards.

2. Baseline area—The continuous area in which the source constructs as well as those portions of the intrastate area which are not part of a nonattainment area and which would receive an air quality impact equal to or greater than one microgram per cubic meter ($1 \mu\text{g}/\text{m}^3$) annual average (established by modeling) for each pollutant for which an installation receives a permit under 10 CSR 10-6.060(8) and for which increments have been established in 10 CSR 10-6.060(11)(A), Table 1. Each of these areas are references to the standard United States Geological Survey (USGS) County-Township-Range-Section system. The smallest unit of area for which a baseline date will be set is one (1) section (one (1) square mile).

3. Baseline concentration—That ambient concentration level which exists at locations of anticipated maximum air quality impact or increment consumption within a baseline area at the time of the applicable baseline date, minus any contribution from installations, modifications and major modifications subject to 10 CSR 10-6.060(8) or subject to 40 CFR 52.21 on which construction commenced on or after January 6, 1975, for sulfur dioxide and particulate matter and February 8, 1988, for nitrogen dioxide. The baseline concentration shall include contributions from:

A. The actual emissions of other installations in existence on the applicable baseline date; and

B. The potential emissions of installations and major modifications which commenced construction before January 6, 1975, but were not in operation by the applicable baseline date.

4. Baseline date—The date, for each baseline area, of the first complete application after August 7, 1977, for sulfur dioxide and particulate matter, and February 8, 1988, for nitrogen dioxide for a permit to construct and operate an installation subject to 10 CSR 10-6.060(8) or subject to 40 CFR 52.21.

5. Best available control technology (BACT)—An emission limitation (including a visible emission limit) based on the maximum degree of reduction for each pollutant which would be emitted from any proposed installation or major modification which the director on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for the installation or major modification through application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of the pollutant. In no event shall application of BACT result in emissions of any pollutant which would exceed the emissions allowed by any applicable emissions control regulation, including New Source Performance Standards established in 10 CSR 10-6.070 and 40 CFR part 60 and National Emissions Standards for Hazardous Pollutants established in 10 CSR 10-6.080 and 40 CFR part 61. If the director determines that technological or economic limitations on the application of measurement methodology to a particular source operation would make the imposition of an emission limitation infeasible, a design, equipment, work practice, operational standard or combination of these may be prescribed instead to require the application of BACT. This standard, to the degree possible, shall set forth the emission reduction achievable by implementation of the design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

6. Building—Any structure excluding single-family, owner-occupied dwellings, and vacant public or privately owned residential structures of four (4) dwelling units or less being demolished for the sole purpose of public health, safety or welfare. Excluded structures must be geographically */disbursed/ dispersed*, demolished pursuant to a public safety determination, and must pose a threat to public safety.

(E) All terms beginning with “E.”

1. Emergency asbestos abatement project—An asbestos abatement project that must be undertaken immediately to prevent imminent severe human exposure or to restore essential facility operation.

2. Emission—The release or discharge, whether directly or indirectly, into the atmosphere of one (1) or more air contaminants.

3. Emission limitation—A regulatory requirement, permit condition or consent agreement which limits the quantity, rate or concentration of emissions on a continuous basis, including any requirement which limits the level of opacity, prescribes equipment, sets fuel specifications or prescribes operation or maintenance procedures for an installation to assure continuous emission reduction.

4. Emissions unit—Any part or activity of an installation that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the Act. This term is not meant to alter or affect the definition of the term unit for the purposes of Title IV of the Act.

5. Emulsified asphalt—An emulsion of asphalt cement and water that contains a small amount of an emulsifying agent, as specified in ASTM D (977-77) or ASTM D (2397-73).

6. Enamel—A surface coating that is a mixture of paint and varnish, having vehicles similar to those used for varnish, but also containing pigments.

7. End exterior coating (two (2)-piece)—A surface coating used to cover the outside surface of the end of a two (2)-piece can.

8. End seal compound—The gasket forming coating used to attach the end pieces of a can during manufacturing or after filling with contents.

9. Equipment—Any item that is designed or intended to perform any operation and includes any item attached to it to assist in the operation.

10. Equivalent phosphorous pentoxide feed—The quantity of phosphorous, expressed as phosphorous pentoxide, fed to the process.

11. Excess emissions—The emissions which exceed the requirements of any applicable emission control regulation.

12. Excessive concentration—

A. For installations seeking credit for reduced ambient pollutant concentrations from stack height exceeding that defined in subparagraph (2)(G)3.B., an excessive concentration is a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which are at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the downwash, wakes or eddy effects, and that contributes to a total concentration due to emissions from all installations that is greater than an ambient air quality standard. For installations subject to the prevention of significant deterioration program as set forth in 10 CSR 10-6.060(8), an excessive concentration means a maximum ground level concentration due to emissions from a stack due to the same conditions as mentioned previously and is greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this definition shall be prescribed by the new source performance regulation as referenced by 10 CSR 10-6.070 for the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where demonstrations are approved by the director, an alternative emission rate shall be established in consultation with the source owner or operator;

B. For installations seeking credit after October 11, 1983, for increases in stack heights up to the heights established under subparagraph (2)(G)3.B., an excessive concentration is either—

(I) A maximum ground level concentration due in whole or part to downwash, wakes or eddy effects as provided in subparagraph (2)(E)12.A. of this rule, except that the emission rate used shall be the applicable emission limitation (or, in the absence of this limit, the actual emission rate); or

(II) The actual presence of a local nuisance caused by the stack, as determined by the director; and

C. For installations seeking credit after January 12, 1979, for a stack height determined under subparagraph (2)(G)3.B. where the director requires the use of a field study of fluid model to verify good engineering practice stack height, for installations seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers and for installations seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not represented adequately by the equations in subparagraph (2)(G)3.B., a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of downwash, wakes or eddy effects.

13. Existing—As applied to any equipment, machine, device, article, contrivance or installation shall mean in being, installed or under construction in the Kansas City metropolitan area on September 25, 1968 (Buchanan County, January 21, 1970), in the St. Louis metropolitan area on March 24, 1967 (Franklin County, January 18, 1972), in the Springfield metropolitan area on September 24, 1971, and in the outstate Missouri area on February 24, 1971, except that if equipment, machine, device, article, contrivance or installation subsequently is altered, repaired or rebuilt at a cost of fifty percent (50%) or more of its replacement cost exclusive of routine maintenance, it shall no longer be existing, but shall be considered new as defined in this regulation. The cost of installing equipment designed principally for the purpose of air pollution control is not to be considered a cost of altering, repairing or rebuilding existing equipment for the purpose of this definition.

14. Exterior coating (two (2)-piece)—A surface coating used to coat the outside face of a two (2)-piece can. Used to provide protection from the lithograph or printing operations.

15. External floating roof—A storage vessel cover in an open top tank consisting of a double-deck or pontoon single deck which rests upon and is supported by petroleum liquid being contained and is equipped with a closure seal(s) to close the space between the roof edge and tank wall.

16. Extreme environmental conditions—The exposure to any of—the weather all of the time, temperatures consistently above ninety-five degrees Celsius (95°C), detergents-abrasive and scouring agents, solvents, corrosive atmospheres or similar environmental conditions.

17. Extreme performance coating—A [coat] coating designed for extreme environmental conditions.

(H) All terms beginning with “H.”

1. Hazardous air pollutant—Any of the air pollutants listed in subsection (3)(C) of this rule.

2. HHV—A higher heating value as determined by 10 CSR 10-6.040(2) (ASTM Standard: D 2015-66, Part 19, 1972, *Standard Method for Determining Gross Heating Values of Solid Fuels*).

3. High efficiency particulate air filter—A HEPA filter found in respirators and vacuum systems capable of filtering three-tenths (0.3) micron particles with at least ninety-nine and ninety-seven hundredths percent (99.97%) efficiency.

4. High terrain—Any area having an elevation nine hundred feet (900') or more above the base of the stack of the installation.

5. Homogeneous area—An area of surfacing material, thermal system insulation material or miscellaneous material that is uniform in color and texture.

6. Hot car—A vehicle which transfers hot coke from the oven to the area of quenching.

7. Hot well—The reservoir of a condensing unit receiving the warm condensate from the condenser.

8. Hourly *de minimis* level—The hourly equivalent of the annual *de minimis* levels established in Table 1, subsection (3)(A) of this rule, calculated as (Hourly *De Minimis* Level = *De Minimis* Level × 2000/8760) and typically expressed in terms of pounds per hour.

(I) All terms beginning with “I.”

1. Incinerator—Any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse material by burning other than by open burning as defined in this rule.

2. Indirect heating source—A source operation in which fuel is burned for the primary purpose of producing steam, hot water or hot air, or other indirect heating of liquids, gases or solids where, in the course of doing so, the products of combustion do not come into direct contact with process materials.

3. Individual source monitoring—A system as specified in EPA document EPA-450/2-78-036 entitled *Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment*, which utilizes a portable hydrocarbon monitor to measure levels of volatile hydrocarbons emitted from individual process equipment.

4. Innovative control technology—Any system of air pollution control that has not been adequately demonstrated in practice but would have a substantial likelihood of achieving greater continuous emission reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics or non-air quality environmental impacts.

5. Insignificant activity—All emission units identified by an applicant whose aggregate emission levels for the installation do not exceed that of the *de minimis* levels and do not have any applicable requirements associated with them. **Exempt emission units and excluded activities listed in 10 CSR 10-6.061 exempting sources from construction permit review under 10 CSR 10-6.060 are also considered as insignificant activities.**

6. Inspector—An individual, under AHERA, who collects and assimilates information used to determine whether asbestos-containing material is present in a building or other air contaminant sources.

7. Installation—All source operations including activities that result in fugitive emissions, that belong to the same industrial grouping (that have the same two (2)-digit code as described in the *Standard Industrial Classification Manual*, 1987), and any marine vessels while docked at the installation, located on one (1) or more contiguous or adjacent properties and under the control of the same person (or persons under common control).

8. Interior body spray (two (2)- and three (3)-piece)—The surface coating for the interior and ends of a two (2)-piece formed can or the surface coating of the side of the rectangular material to be used as the interior and ends of a three (3)-piece can.

9. Internal floating roof—A product cover in a fixed roof tank which rests upon or is floated upon the VOC liquid being contained and which is equipped with a sliding seal(s) to close the space between the edge of the covers and tank shell.

10. Inventory—A quantification of emissions by installation and by source operation.

(N) All terms beginning with “N.”

1. Nearby—Nearby as used in the definition GEP stack height in subparagraph (2)(G)2.B. is defined for a specific structure or terrain feature—

A. For purposes of applying the formula provided in subparagraph (2)(G)3.B., nearby means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile; and

B. For conducting fluid modeling or field study demonstrations under subparagraph (2)(G)3.C., nearby means not greater than one-half (1/2) mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if feature achieves a height one-half (1/2) mile from the stack that is at least forty percent (40%) of the GEP stack height determined by the formula provided in subparagraph (2)(G)3.B. or twenty-six meters (26 m), whichever is greater, as measured from the ground level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground level elevation at the base of the stack.

2. Net emissions increase—This term is defined in 40 CFR 51.166(b)(3) **and is promulgated as of June 19, 1978 and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.**

3. New tepee burner—One not in existence as of September 18, 1970.

4. NIOSH—National Institute of Occupational Safety and Health.

5. Nonattainment area—Those geographic areas in Missouri that have officially been designated by the U.S. Environmental Protection Agency in 40 CFR part 81 as nonattainment areas.

(P) All terms beginning with “P.”

1. Pail—Any nominal cylindrical container of one to twelve (1–12) gallon capacity.

2. Paint—A pigmented surface coating using VOCs as the major solvent and thinner which converts to a relatively opaque solid film after application as a thin layer.

3. Part 70—U.S. Environmental Protection Agency regulations, codified at 40 CFR part 70, setting forth requirements for state operating permit programs pursuant to Title V of the Act.

4. Particulate matter—Any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions and as specifically defined as follows:

A. PM—any airborne, finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred (100)

micrometers as measured in stacks as specified by *[EPA] 40 CFR part 60, Appendix A—Test Methods, [Method 5] Method 5—Determination of Particulate Matter Emissions From Stationary Sources*, or sampled in the ambient air as specified in 10 CSR 10-6.040(4)(B); *and*

B. PM₁₀—particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured in stacks by EPA Methods 201/201A and 202; or sampled in the ambient air as specified in 10 CSR 10-6.040(4)(J)/.; *and*

C. PM_{2.5}—particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured in stacks as specified by 40 CFR part 51, Appendix M—Test Methods, Methods 201/201A and for reference EPA Conditional Test Methods, *Conditional Test Method 040—Method For The Determination Of PM₁₀ and PM_{2.5} Emissions (Constant Sampling Rate Procedures—December 3, 2002)* or sampled in the ambient air and specified in 10 CSR 10-6.040(4)(L).

5. Permanent shutdown—The permanent cessation of operation of any air pollution control equipment or process equipment, not to be placed back into service or have a start-up.

6. Permitting authority—Either the administrator or the state air pollution control agency, local agency or other agency authorized by the administrator to carry out a permit program as intended by the Act.

7. Person—Any individual, partnership, association, corporation including the parent company of a wholly-owned subsidiary, municipality, subdivision or agency of the state, trust, estate or other legal entity either public or private. This shall include any legal successor, employee or agent of the previous entities.

8. Petroleum liquid—Petroleum, condensate and any finished or intermediate products manufactured in a petroleum refinery with the exception of Numbers 2–6 fuel oils as specified in ASTM D(396-69), gas turbine fuel oils Number 2-GT–4-GT, as specified in ASTM D(2880-71), and diesel fuel oils Number 2-D and 4-D, as specified in ASTM D(975-68).

9. Petroleum refinery—Any facility which produces gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants or other products through distillation, cracking, extraction or reforming of unfinished petroleum derivatives.

10. Pharmaceutical—Any compound or preparation included under the Standard Industrial Classification Codes 2833 (Medicinal Chemicals and Botanical Products) and 2834 (Pharmaceutical Preparations), excluding products formulated by fermentation, extraction from vegetable material or animal tissue or formulation and packaging of the final product.

11. Pilot plants—The installations which are of new type or design which will serve as a trial unit for experimentation or testing.

12. Plant-mix—A mixture produced in an asphalt mixing plant that consists of mineral aggregate uniformly coated with asphalt cement, cutback asphalt or emulsified asphalt.

13. Pollutant—An air contaminant listed in 10 CSR 10-6.020(3)(A), Table 1 without regard to levels of emission or air quality impact.

14. Polyethylene bag sealing operation—Any operation or facility engaged in the sealing of polyethylene bags, usually by the use of heat.

15. Polystyrene resin—The product of any styrene polymerization process, usually involving heat.

16. Portable equipment—Any equipment that is designed and maintained to be movable, primarily for use in noncontinuous operations. Portable equipment includes rock crushers, asphaltic concrete plants and concrete batching plants.

17. Portable equipment installation—An installation made up solely of portable equipment, meeting the requirements of or having been permitted according to 10 CSR 10-6.060(4).

18. Positive crankcase ventilation system—Any system or device which prevents the escape of crankcase emissions to the ambient air.

19. Potential to emit—The emission rates of any pollutant at maximum design capacity. Annual potential shall be based on the maximum annual-rated capacity of the installation assuming continuous year-round operation. Federally enforceable permit conditions on the type of materials combusted or processed, operating rates, hours of operation or the application of air pollution control equipment shall be used in determining the annual potential. Secondary emissions do not count in determining annual potential.

20. Potroom—A building unit which houses a group of electrolytic cells in which aluminum is produced.

21. Potroom group—An uncontrolled potroom, a potroom which is controlled individually or a group of potrooms or potroom segments ducted to a common or similar control system.

22. Primary aluminum reduction installation—Any facility manufacturing aluminum by electrolytic reduction of alumina.

23. Primer—The first surface coating applied to the surface.

24. Primer-surfacer—The surface coatings applied over the primer and beneath the topcoat.

25. Process weight—The total weight of all materials introduced into a source operation including solid fuels, but excluding liquids and gases used solely as fuels and excluding air introduced for purposes of combustion.

26. Production equipment exhaust system—A device for collecting and directing out of the work area fugitive emissions from reactor openings, centrifuge openings and other vessel openings and equipment for the purpose of protecting workers from excessive exposure.

27. Publication rotogravure printing—Rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

28. Pushing operation—The process of removing coke from the coke oven. The coke pushing operation begins when the coke-side oven door is removed and is completed when the hot car enters the quench tower and the coke-side oven door is replaced.

(R) All terms beginning with "R."

1. Reactor—A vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions.

2. Reconstruction—Where the fixed capital cost of the new components exceeds fifty percent (50%) of the fixed capital cost of a comparable entirely new source of operation or installation; the use of an alternative fuel or raw material by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under Section 125 of the Clean Air Act, shall not be considered reconstruction. In determining whether a reconstruction will occur, the provisions of 40 CFR 60.15, December 1, 1979, shall be considered by the director.

3. Refinery fuel gas—Any gas which is generated by a petroleum refinery process unit and which is combusted including any gaseous mixture of natural gas and fuel gas.

4. Refuse—The garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes or other wastes.

5. Regulated air pollutant—All air pollutants or precursors for which any standard has been promulgated.

6. Regulated asbestos-containing material (RACM)—Friable asbestos material; category I nonfriable asbestos-containing material (ACM) that has become friable; category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this rule.

7. Regulated pollutant—Any regulated air pollutant except carbon monoxide and pollutants regulated exclusively under section 112(r) or Title VI of the Act.

8. Reid vapor pressure (RVP)—The absolute vapor pressure of a petroleum liquid as determined by "Tests for Determining Reid Vapor Pressure (RVP) of Gasoline and Gasoline-Oxygenate Blends" 40 CFR part 80, Appendix E as in effect July 1, 1990.

9. Renewal—The process by which an operating permit is reissued at the end of its term.

10. Repair—The restoration of asbestos material that has been damaged. Repair consists of the application of rewettable glass cloth, canvas, cement or other suitable material. It may also involve filling damaged areas with nonasbestos substitutes and reencapsulating or painting previously encapsulated materials.

11. Residual fuel oil—The fuel oil variously known as Bunker C, PS 400 and Number 6 as defined in ASTM D(396-487) (1959).

12. Responsible official—Includes one (1) of the following:

A. The president, secretary, treasurer or vice-president of a corporation in charge of a principal business function, any other person who performs similar policy and decision-making functions for the corporation or a duly authorized representative of this person if the representative is responsible for the overall operation of one (1) or more manufacturing, production or operating facilities applying for or subject to a permit and either—

(I) The facilities employ more than two hundred and fifty (250) persons or have a gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars); or

(II) The delegation of authority to this representative is approved in advance by the permitting authority;

B. A general partner in a partnership or the proprietor in a sole proprietorship;

C. Either a principal executive officer or ranking elected official in a municipality, state, federal or other public agency. For the purpose of this [part] subparagraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency; or

D. The designated representative of an affected source insofar as actions, standards, requirements or prohibitions under Title IV of the Act or the regulations promulgated under the Act are concerned and the designated representative for any other purposes under part 70.

13. Retail outlet—Any establishment where gasoline is sold, offered for sale or used as a motor vehicle fuel.

14. Road-mix—An asphalt course produced by mixing mineral aggregate and cutback or emulsified asphalt at the road site by means of travel plants, motor graders, drags or special road-mixing equipment.

15. Roll printing—The application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

16. Roller spreader—The device used for the application of a coating material to a substrate by means of hard rubber or steel rolls.

17. Rotogravure printing—The application of words, designs and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(S) All terms beginning with "S."

1. Salvage operation—Any business, trade, industry or other activity conducted in whole or in part for the purpose of salvaging or reclaiming any product or material.

2. Sealing material—A liquid substance that does not contain asbestos which is used to cover a surface that has previously been coated with a friable asbestos-containing material for the intended purpose of preventing any asbestos fibers remaining on the surface from being disbursed into the air. This substance shall be distinguishable from the surface to which it is applied.

3. Secondary emissions—The emissions which occur or would occur as a result of the construction or operation of an installation or major modification but do not come from the installation or major

modification itself. Secondary emissions must be specific, well-defined, quantifiable and impact the same general area as the installation or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

A. Emissions from trucks, ships or trains coming to or from the installation or modification; and

B. Emissions from any off-site support source which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification.

4. Section 502(b)(10) changes—Changes that contravene an express permit term. These changes do not include those that would violate applicable requirements or contravene federally-enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting or compliance certification requirements.

5. Sheet basecoat—The roll coated primary interior surface coating applied to surfaces for the basic protection of buffering filling material from the metal can surface.

6. Shower room—A room between the clean room and the equipment room in the worker decontamination enclosure. This room shall be equipped with running hot and cold water that is suitably arranged for complete showering during decontamination.

7. Shutdown—The cessation of operation of any air pollution control equipment or process equipment, excepting the routine phasing out of process equipment.

8. Shutdown, permanent—See permanent shutdown.

9. Side seam coating (three (3)-piece)—A can surface coating to seal the connecting edge of a formed metal sheet in the manufacture of a three (3)-piece can.

10. Significant—A net emissions increase or potential to emit at a rate equal to or exceeding the *de minimis* levels or create an ambient air concentration at a level greater than those listed in 10 CSR 10-6.060(11)(D) Table 4, or any emissions rate or any net emissions increase associated with an installation subject to 10 CSR 10-6.060 which would be constructed within ten kilometers (10 km) of a Class I area and have an air quality impact on the area equal to or greater than one microgram per cubic meter [$(1 \mu\text{g}/\text{m}^3)/(1 \mu\text{g}/\text{m}^3)$] (twenty-four (24)-hour average). For purposes of new source review under 10 CSR 10-6.060 sections (7) and (8), net emission increases of hazardous air pollutants exceeding the *de minimis* levels are considered significant only if they are also criteria pollutants.

11. Smoke—Small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

12. Solvent—Organic materials which are liquid at standard conditions and which are used as dissolves, viscosity reducers or cleaning agents.

13. Solvent metal cleaning—The process of cleaning soils from metal surfaces by cold cleaning or open-top vapor degreasing or conveyorized degreasing.

14. Solvent volatility—Reid vapor pressure.

15. Source gas volume—The volume of gas arising from a process or other source operation.

16. Source operation—See emission unit.

17. Springfield-Greene County area—The geographical area contained within Greene County.

18. St. Louis metropolitan area—The geographical area comprised of St. Louis, St. Charles, Jefferson and Franklin Counties and the City of St. Louis.

19. Stack—Any spatial point in an installation designed to emit air contaminants into ambient air. An accidental opening such as a crack, fissure, or hole is a source of fugitive emissions, not a stack.

20. Stack in existence—The owner or operator had—1) begun, or caused to begin, a continuous program of physical on-site construction of the stack; or 2) entered into binding agreements or contractual operations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

21. Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources.

22. Standard conditions—A gas temperature of seventy degrees Fahrenheit (70°F) and a gas pressure of 14.7 pounds per square inch absolute (psia).

23. Start-up—The setting into operation of any air pollution control equipment or process equipment, except the routine phasing in of process equipment.

24. State—Any nonfederal permitting authority, including any local agency, interstate association or statewide program. When clear from its context, state shall have its conventional territorial definition.

25. State implementation plan—A series of plans adopted by the commission, submitted by the director, and approved by the administrator, detailing methods and procedures to be used in attaining and maintaining the ambient air quality standards in Missouri.

26. Storage tank—Any tank, reservoir or vessel which is a container for liquids or gases, where no manufacturing process or part of it, takes place.

27. Structural item—Roofs, walls, ceilings, floors, structural supports, pipes, ducts, fittings and fixtures that have been installed as an integral part of any structure.

28. Submerged fill pipe—Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (6") above the bottom of the tank. Submerged fill pipe when applied to a tank which is loaded from the side is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen inches (18") or twice the diameter of the fill pipe, whichever is greater, above the bottom of the tank.

29. Synthesized pharmaceutical manufacturing—Manufacture of pharmaceutical products by chemical synthesis.

(V) All terms beginning with "V."

1. Vacuum producing system—Any reciprocating, rotary or centrifugal blower or compressor or any jet ejector device that takes suction from a pressure below atmospheric on a system containing volatile hydrocarbons.

2. Vapor recovery system—A vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing the hydrocarbon vapors and gases so as to limit their emission to the atmosphere.

3. Vapor-mounted seal—A primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

4. Vapor tight—When applied to a delivery vessel or vapor recovery system as one that sustains a pressure change of no more than seven hundred fifty (750) pascals (three inches (3") of H₂O) in five (5) minutes when pressurized to a gauge pressure of four thousand five hundred (4,500) pascals (eighteen inches (18") of H₂O) or evacuated to a gauge pressure of one thousand five hundred (1,500) pascals (six inches (6") of H₂O).

5. Varnish—An unpigmented surface coating containing VOC and composed of resins, oils, thinners and driers used to give a glossy surface to wood, metal, etc.

6. Vehicle—Any mechanical device on wheels, designed primarily for use on streets, roads or highways, except those propelled or drawn by human or animal power or those used exclusively on fixed rails or tracks.

7. Vinyl coating—The application of a decorative or protective topcoat, or printing or vinyl coated fabric or vinyl sheet.

8. Visible emission—Any discharge of an air contaminant, including condensibles, which reduces the transmission of light or obscures the view of an object in the background.

9. Volatile organic compounds (VOC)—For all areas in Missouri VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric

photochemical reactions to produce ozone. *[The following compounds will not be considered VOCs because of their known lack of participation in the atmospheric reactions to produce ozone:]*

A. The following compounds are not considered VOCs because of their known lack of participation in the atmospheric reactions to produce ozone:

CAS #	[Hazardous Air Pollutant] Compound
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138495428	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)/;
431890	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
375031	1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (HFE-7000)
690391	1,1,1,3,3,3-hexafluoropropane (HFC-236fa)/;
679867	1,1,2,2,3-pentafluoropropane (HFC-245ca)/;
24270664	1,1,2,3,3-pentafluoropropane (HFC-245ea)/;
431312	1,1,1,2,3-pentafluoropropane (HFC-245eb)/;
460731	1,1,1,3,3-pentafluoropropane (HFC-245fa)/;
431630	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)/;
406586	1,1,1,3,3-pentafluorobutane (HFC-365mfc)/;
422560	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)/;
507551	1,3-dichloro-1,1,2,2,3-pentafluoropropane HCFC-5cb)/;
354234	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)/;
1615754	1-chloro-1-fluoroethane (HCFC-151a)/;
163702076	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxybutane (C ₄ F ₉ OCH ₃)/;
163702087	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CFCF ₂ OCH ₃ /;
163702054	1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅)/;
163702065	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OC ₂ H ₅)/;
297730939	3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-trifluoromethyl-hexane (HFE-7500, HFE-s702, T-7145, and L-15381)
71556	1,1,1-trichloroethane (methylchloroform)/;
67641	acetone/;
25497294	chlorodifluoroethane (HCFC-142b)/;
75456	chlorodifluoromethane (HCFC-22)/;
593704	chlorofluoromethane (HCFC-31)/;
76153	chloropentafluoroethane (CFC-115)/;
63938103	chlorotetrafluoroethane (HCFC-124)/;
75718	dichlorodifluoromethane (CFC-12)/;

1717006	dichlorofluoroethane (HCFC-141b)/;
1320372	dichlorotetrafluoroethane (CFC-114)/;
34077877	dichlorotrifluoroethane (HCFC-123)/;
75376	difluoroethane (HFC-152a)/;
75105	difluoromethane (HFC-32)/;
74840	ethane/;
353366	ethylfluoride (HFC-161)/;
74828	methane/;
79209	methyl acetate/;
107313	methyl formate
75092	methylene chloride dichloromethane)/;
98566	parachlorobenzotrifluoride (PCBTf)/;
354336	pentafluoroethane (HFC-125)/;
127184	perchloroethylene/;
359353	tetrafluoroethane (HFC-134)/;
811972	tetrafluoroethane (HFC-134a)/;
75694	trichlorofluoromethane (CFC-11)/;
26523648	trichlorotrifluoroethane (CFC-113)/;
306832	trifluorodichloroethane (HCFC-123)/;
27987060	trifluoroethane (HFC-143a)/;
75467	trifluoromethane (HFC-23)/;
0	cyclic, branched or linear, completely fluorinated alkanes/;
0	cyclic, branched or linear, completely fluorinated ethers with no unsaturations/;
0	cyclic, branched or linear, completely methylated siloxanes/;
0	cyclic, branched or linear, completely fluorinated tertiary amines with no unsaturations/; and/
0	sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorines/.

VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified in either 10 CSR 10-6.030 or 40 CFR 60. These methods and procedures may measure nonreactive compounds so an owner or operator must exclude these nonreactive compounds when determining compliance.

B. The following compound(s) are considered VOC for purposes of all record keeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements.

CAS #	Compound
540885	t-butyl acetate

(3) **General Provisions.** Common /R/reference /T/tables are provided in this section of the rule.

(C) Table 3—Hazardous Air Pollutants.

CAS #	Hazardous Air Pollutant
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride

92671	4-Aminobiphenyl	51796	Ethyl carbamate (Urethane)
62533	Aniline	75003	Ethyl chloride (Chloroethane)
90040	o-Anisidine	106934	Ethylene dibromide (1,2- <i>/Bibromoethane/Dibromoethane</i>)
1332214	Asbestos	107062	Ethylene dichloride (1,2-Dichloroethane)
71432	Benzene (including from gasoline)	107211	Ethylene glycol
<i>/92875</i>	<i>Benzidine</i>	151564	Ethylene imine (Aziridine)
50328	Benzo(a)pyrene	75218	Ethylene oxide
98077	Benzotrichloride	96457	Ethylene thiourea
100447	Benzyl chloride	75343	Ethylidene dichloride (1,1-Dichloroethane)
192524	Biphenyl	50000	Formaldehyde
117817	Bis(2-ethylhexyl)phthalate (DEHP)	76448	Heptachlor
542881	Bis(chloromethyl)ether	118741	Hexachlorobenzene
75252	Bromoform	87683	Hexachlorobutadiene
106990	1,3-Butadiene	77474	Hexachlorocyclopentadiene
156627	Calcium cyanamide	67721	Hexachloroethane
133062	Captan	822060	Hexamethylene-1,6-diisocyanate
63252	Carbaryl	680319	Hexamethylphosphoramide
75150	Carbon disulfide	110543	Hexane
56235	Carbon tetrachloride	302012	Hydrazine
463581	Carbonyl sulfide	7647010	Hydrochloric acid
120809	Catechol	7664393	Hydrogen fluoride (hydrofluoric acid)
133904	Chloramben	123319	Hydroquinone
57749	Chlordane	78591	Isophorone
7782505	Chlorine	58899	Lindane (all isomers)
79118	Chloroacetic acid	108316	Maleic anhydride
532274	2-Chloroacetophenone	67561	Methanol
108907	Chlorobenzene	72435	Methoxychlor
510156	Chlorobenzilate	74839	Methyl bromide (Bromomethane)
67663	Chloroform	74873	Methyl chloride (Chloromethane)
107302	Chloromethyl <i>/ethyl/methyl</i> ether	71556	Methyl chloroform (1,1,1-Trichloro- methane)
126998	Chloroprene	78933	Methyl ethyl ketone (2-Butanone)
1319773	Cresols/Cresylic acid (isomers and mixture)	60344	Methyl hydrazine
108394	m-Cresol	74884	Methyl iodide (Iodomethane)
95487	o-Cresol	108101	Methyl isobutyl ketone (Hexone)
106445	p-Cresol	624839	Methyl isocyanate
98828	Cumene	80626	Methyl methacrylate
94757	2,/ <i>3/4</i> -D, salts and esters	1634044	Methyl tert butyl ether
3547044	DDE	101144	4,4-Methylene bis(2-chloroaniline)
334883	Diazomethane	75092	Methylene chloride (Dichloromethane)
132649	Dibenzofurans	101688	Methylene diphenyl diisocyanate (MDI)
96128	1,2-Dibromo-3-chloro-propane	101779	4,4-Methylenedianiline
84742	Dibutylphthalate	91203	Naphthalene
106467	1,4-Dichlorobenzene(p)	12035722	Nickel subsulfide
91941	3,3-Dichlorobenzidine	98953	Nitrobenzene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	92933	4-Nitrobiphenyl
542756	1,3-Dichloropropene	100027	4-Nitrophenol
62737	Dichlorvos	79469	2-Nitropropane
111422	Diethanolamine	684935	N-Nitroso-N-methylurea
121697	<i>/N,N-Diethyl aniline</i> <i>/((N,N-Dimethylaniline)/)</i>	62759	N-Nitrosodimethylamine
64675	Diethyl sulfate	59892	N-Nitrosomorpholine
119904	3,3-Dimethoxybenzidine	56382	Parathion
60117	Dimethyl aminoazobenzene	82688	Pentachloronitrobenzene (Quintobenzene)
119937	3,3-Dimethyl benzidine	87865	Pentachlorophenol
79447	Dimethyl carbamoyl chloride	108952	Phenol
68122	Dimethyl formamide	106503	p-Phenylenediamine
57147	1,1-Dimethyl hydrazine	75445	Phosgene
131113	Dimethyl phthalate	7803512	Phosphine
77781	Dimethyl sulfate	7723140	Phosphorus
534521	4,6-Dinitro-o-cresol and salts	85449	Phthalic anhydride
51285	2,4-Dinitrophenol	1336363	Polychlorinated biphenyls (Aroclors)
121142	2,4-Dinitrotoluene	1120714	1,3-Propane sultone
123911	1,4-Dioxane (1,4-Diethyleneoxide)	57578	beta-Propiolactone
122667	1,2-Diphenylhydrazine	123386	Propionaldehyde
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	114261	Propoxur (Baygon)
106887	1,2-Epoxybutane	78875	Propylene dichloride (1,2-Dichloropropane)
140885	Ethyl acrylate	75569	Propylene oxide
100414	Ethyl benzene		

75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (Chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloromethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide (bromoethene)
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
108383	m-Xylenes
95476	o-Xylenes
106423	p-Xylenes
0	Antimony compounds
0	Arsenic compounds (inorganic)
0	Beryllium compounds
0	Beryllium salts
0	Cadmium compounds
0	Chromium compounds
0	Cobalt compounds
0	Coke oven emissions
0	Cyanide compounds ¹
0	Glycol ethers ²
0	Lead compounds
0	Manganese compounds
0	Mercury compounds
0	Mineral fibers ³
0	Nickel compounds
0	Nickel refinery dust
0	Polycyclic organic matter ⁴
0	Radionuclides (including radon) ⁵
0	Selenium compounds

Note: For all listings in this table that contain the word compounds and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (that is, antimony, arsenic and the like) as part of that chemical's infrastructure.

¹ X'CN where X-H' or any other group where a formal dissociation may occur, for example, KCN or Ca(CN)₂.

² Includes mono- and diethers of ethylene glycol, diethylene glycol and triethylene glycol R-(OCH₂CH₂)_n-OR' where n/—/=1, 2 or 3; R/—/=Alkyl or aryl groups; R'/—/=R, H or groups which, when removed, yield glycol ethers with the structure R-(OCH₂CH₂)_n-OH. Polymers and ethylene glycol monobutyl ether are excluded from the glycol category.

³ Includes glass microfibers, glass wool fibers, rock wool fibers and slag wool fibers, each characterized as respirable (fiber diameter less than **three and one-half** (3.5) micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) greater than or equal to **three** (3), as emitted from production of fiber and fiber products.

⁴ Includes organic compounds with more than one (1) benzene ring, and which have a boiling point greater than or equal to one hundred degrees Celsius (100°C).

⁵ A type of atom which spontaneously undergoes radioactive decay.

(4) Reporting and Record Keeping (Not Applicable)

(5) Test Methods (Not Applicable)

AUTHORITY: sections 643.050 and 643.055, RSMo 2000. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 6, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 29, 2005. The public hearing will be held at the Radisson Hotel & Suites, Salon A, 1301 Wyandotte, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 6, 2005. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.030 Sampling Methods for Air Pollution Sources. The commission proposes to amend subsections (5)(E)–(5)(G) and sections (13) and (20). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/regagenda.htm.

PURPOSE: This rule defines methods for performing emissions sampling on air pollution sources throughout Missouri, only as specified by the Air Conservation Commission emission rules. This amendment updates an adopted approved federal reference method and adds adopted approved Federal reference methods for the new Particulate Matter 2.5 (PM_{2.5}) Ambient Air Quality Standards finalized on July 18, 1997 and mandated under the Clean Air Act. These reference methods are for performing emissions sampling necessary for the enforcement of air pollution control regulations throughout Missouri.

Minor amendments to section (13) for a typographical error and to section (20) for name rule uniformity are being done at this time. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the **Federal Register** notices on National Ambient Air Quality Standards for Particulate Matter and Ozone and the Clean Air Act.

(5) Particulate Matter Emissions.

(E) The concentration of condensible particulate matter (CPM) shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, Method[s] 202—Determination of Condensible Particulate Emissions from Stationary Sources using EPA Conditional Test Method 040—Method For The Determination Of PM_{10} and $PM_{2.5}$ Emissions (Constant Sampling Rate Procedures—December 3, 2002).

(F) The concentration of particulates of $PM_{2.5}$ shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, Method 201—Determination of PM_{10} Emissions (Exhaust Gas Recycle Procedure) using EPA Conditional Test Method 040—Method For The Determination Of PM_{10} and $PM_{2.5}$ Emissions (Constant Sampling Rate Procedures—December 3, 2002). When water droplets are known to exist in emissions, use Method 5 as defined in subsection (5)(A) of this rule and consider the particulate catch to be $PM_{2.5}$ emissions.

(G) The concentration of particulates of $PM_{2.5}$ shall be determined as specified by 40 CFR part 51, Appendix M—Test Methods, Method 201A—Determination of PM_{10} Emissions (Constant Sampling Rate Procedure) using EPA Conditional Test Method 040—Method For The Determination Of PM_{10} and $PM_{2.5}$ Emissions (Constant Sampling Rate Procedures—December 3, 2002). When water droplets are known to exist in emissions, use Method 5 as defined in subsection (5)(A) of this rule and consider the particulate catch to be $PM_{2.5}$ emissions.

(13) The total fluoride emissions and the associated moisture content from air pollution sources shall be determined as specified by 40 CFR part 60, Appendix A—Test Methods, Method 13A—Determination of Total Fluoride Emissions from Stationary Sources—SPADNS Zirconium Lake Method [or] or Method 13B—Determination of Total Fluoride Emissions from Stationary Sources—Specific Ion Electrode Method. For Method 13A or 13B, the sampling time for each run shall be at least sixty (60) minutes and the minimum sample volume shall be at least 0.85 standard dry cubic meter (thirty (30) standard dry cubic foot) except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the director.

(20) The capture efficiency of air pollution control devices shall be determined as specified by the [United States] U.S. Environmental Protection Agency's (EPA's) February 7, 1995 memorandum entitled, "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emission" and the [United States Environment Protection Agency's] U.S. EPA's January 9, 1994 technical document entitled, "Guidelines for Determining Capture Efficiency." For automobile and light-duty truck topcoat operations, the capture efficiency of air pollution control devices shall be determined as specified in [USEPA's] U.S. EPA's document entitled, "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" (USEPA-450/3/88-018), as amended by Enclosure 1, dated March 8, 1996, and entitled, "23—Determining Spraybooth VOC Capture Efficiency."

AUTHORITY: section 643.050, [RSMo Supp. 1997] and 643.055, RSMo [1994] 2000. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 29, 2005. The public hearing will be held at the Radisson Hotel & Suites, Salon A, 1301 Wyandotte, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 6, 2005. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.040 Reference Methods. The commission proposes to amend sections (2), (4), (5) and (9). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rulemaking. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/reg/regagenda.htm.

PURPOSE: This rule provides reference methods for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri. This amendment updates adopted approved federal reference methods and adopts new approved federal reference methods for the new and revised 8-Hour Ozone and Particulate Matter 2.5 Micron Ambient Air Quality Standards finalized on July 18, 1997 and mandated under the Clean Air Act. This amendment also removes an obsolete federal reference method and updates several federal reference methods titles. These reference methods are for determining data and information necessary for the enforcement of air pollution control regulations throughout Missouri. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the **Federal Register** notices on National Ambient Air Quality Standards for Particulate Matter and Ozone and the Clean Air Act.

(2) The heat content [of] or higher heating value (HHV) of solid fuels shall be determined by use of the Adiabatic Bomb Calorimeter as specified by ASTM Method D(2015-66) Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter.

(4) The methods for determining the concentrations of the following air contaminants in the ambient air shall be as specified in 40 CFR

part 50, Appendices A–[K]/N or equivalent methods as specified in 40 CFR part 53:

(E) *[The concentration of hydrocarbons in the ambient air shall be determined as specified by 40 CFR part 50, Appendix E—Reference Method for the Determination of Hydrocarbons Corrected for Methane or equivalent method as approved in 40 CFR part 53;]* **Reserved**

(H) Compliance with the **one (1) hour** ozone standard shall be determined as specified in 40 CFR part 50, Appendix H—*Interpretation of the National Ambient Air Quality Standards for Ozone*;

(I) *[Reserved]* **Compliance with the eight (8) hour ozone standards shall be determined as specified in 40 CFR part 50, Appendix I—Interpretation of the 8-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone**;

(J) The concentration of particulate matter 10 micron (PM_{10}) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix J—*Reference Method for the Determination of Particulate Matter as PM_{10} in the Atmosphere*, or an equivalent method as approved in 40 CFR part 53; *[and]*

(K) Compliance with **particulate matter 10 (PM_{10})** standards shall be determined as specified in 40 CFR part 50, Appendix K—*Interpretation of the National Ambient Air Quality Standards for Particulate Matter*; *]*;

(L) **The concentration of particulate matter 2.5 micron ($PM_{2.5}$) in the ambient air shall be determined as specified in 40 CFR part 50, Appendix L—Reference Method for the Determination of Fine Particulate Matter as $PM_{2.5}$ in the Atmosphere**, or an equivalent method as approved in 40 CFR part 53; **and**

(M) **Compliance with particulate matter 2.5 ($PM_{2.5}$) standards shall be determined as specified in 40 CFR part 50, Appendix N—Interpretation of the National Ambient Air Quality Standards for Particulate Matter.**

(5) The concentration of hydrogen sulfide (H_2S) in the ambient air shall be determined by scrubbing all sulfur dioxide (SO_2) present in the sample and then converting each molecule of H_2S to SO_2 with a thermal converter so that the resulting SO_2 is detected by an analyzer as specified in 40 CFR part 50, Appendix A—*Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Paros-aniline Method)* or an equivalent method approved by 40 CFR part 53, in which case the calibration gas used must be National Institute of Standards and Technology traceable H_2S gas.

(9) The latest effective date of any 40 CFR part 50, Appendices A–[K]/N and equivalent methods as specified in 40 CFR part 53 shall be as designated in 10 CSR 10-6.070 New Source Performance Regulations for 40 CFR part 60.

AUTHORITY: section 643.050, RSMo [Supp. 1999] 2000. Original rule filed Aug. 16, 1977, effective Feb. 11, 1978. Amended: Filed Sept. 14, 1978, effective April 12, 1979. Amended: Filed Dec. 10, 1979, effective April 11, 1980. Amended: Filed March 13, 1980, effective Sept. 12, 1980. Amended: Filed Feb. 14, 1984, effective July 12, 1984. Amended: Filed Jan. 5, 1988, effective April 28, 1988. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed July 6, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., September 29, 2005. The public hearing will be held

at the Radisson Hotel & Suites, Salon A, 1301 Wyandotte, Kansas City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., October 6, 2005. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED RULE

12 CSR 10-24.335 Commercial Drivers Licensing Third Party Examination Audit Retest Process

PURPOSE: This rule establishes the requirements for the Missouri State Highway Patrol and the Missouri Department of Revenue to conduct retesting of commercial drivers license applicants in order to determine compliance with the Third Party Commercial Drivers License Examination Program.

(1) Third-party testers certified by the director of revenue to conduct commercial drivers license skill examinations shall notify the Missouri State Highway Patrol three (3) business days prior to conducting a commercial drivers license skills examination.

(A) Such notification shall be sent to the third-party tester's designated Missouri State Highway Patrol auditor in a manner determined by the Missouri State Highway Patrol.

(B) The notification shall state the test applicant's name, address, phone number, drivers license number/permit number, date and time of scheduled test, class and type of test, location of the examination(s) and the examiner scheduled to give the test.

(C) All third-party tests must be administered during normal business hours approved by the Department of Revenue.

(2) The Missouri State Highway Patrol auditor may agree to shorten the three (3)-day notice for a third-party tester for emergency or urgent situations. If it is determined by the Missouri State Highway Patrol or the Missouri Department of Revenue that the scheduling or emergency scheduling process is not being adhered to, the third-party tester and/or the examiner in question may be sanctioned as outlined in 12 CSR 10-24.326.

(3) Prior to conducting commercial drivers license skills examinations, a third-party tester is required to provide a notice to every individual examined that he or she may be subject to a retest by the Missouri State Highway Patrol. The applicant must acknowledge such notice by providing their signature on the notice.

(4) The Missouri State Highway Patrol shall retest a minimum of ten percent (10%) of drivers who have taken a commercial drivers license skills examination administered by a certified third-party tester. Such retests may be unannounced and may be conducted the same day and same time as the test administered by the third-party tester or at a later date as determined by the Missouri State Highway Patrol.

(5) The Missouri State Highway Patrol auditor shall notify the director of revenue of any individual who fails to pass a retest.

(6) The Missouri State Highway Patrol, on behalf of the Missouri Department of Revenue shall notify an individual who failed to pass the retest that they must complete a commercial drivers license examination with the Highway Patrol or a pre-approved third-party examiner prior to issuance of a commercial drivers license.

(7) The third-party tester and third-party examiner shall be subject to sanctions from the director of revenue as outlined in 12 CSR 10-24.326.

AUTHORITY: section 302.721, RSMo Supp. 2004. Original rule filed July 11, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 50—General

PROPOSED AMENDMENT

15 CSR 30-50.030 Fees. The commissioner is adding new section (11).

PURPOSE: The purpose of this amendment is to provide an exemption from the payment of renewal registration fees for agents and investment advisers who have been called to active military duty.

(11) Exemption for Active Duty Military Personnel. Agents and investment adviser representatives who either have been called to active military duty or voluntarily joined the Armed Forces of the United States shall be, after proper notification, exempt from the payment of renewal registration fees for the period of active service.

(A) Agents and investment adviser representatives wishing to utilize the exemption shall notify the division in writing, and provide a copy of the individual's orders (official call-up notification) or a copy of the letter of leave request for individuals that voluntarily join. Either document should include the individual's start date, military branch, and location of service duty.

(B) Within ninety (90) days of completion of military service, the agent or investment adviser representative shall provide a copy of the individual's discharge papers that indicate the start and end dates of service. Upon completion of service, the individual's renewal registration fee shall be paid under the provisions of section 409.4-406(2)(d), RSMo.

(C) Any renewal fee paid during the time the individual is on active military duty shall be refunded within ninety (90) days.

AUTHORITY: sections 409.3-302, 409.3-305(b), 409.4-410, 409.6-605 and 409.6-606(c), RSMo Supp. [2003] 2004. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed July 11, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, David B. Cosgrove, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS Division 50—The County Employees' Retirement Fund Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.035 Payment of Benefits. The board is amending subsections (1)(E) and (F).

PURPOSE: This amendment amends the level income option under the plan.

(1) Method of Payment. Prior to his or her annuity starting date, each participant shall be offered the following optional methods of payment, in addition to the normal form of benefit. Any benefits payable under such optional methods of payment shall be the actuarial equivalent of the normal form of benefit:

(E) Level Income Option—Life Only. An annuity that is adjusted so that the monthly annuity payable for the months ending *[before the participant attains age sixty-two (62)] immediately before the first day of the month after the date the participant attains age sixty-two (62)* is approximately equal to the sum of i) the monthly adjusted annuity payable for the month *[coinciding with and]* subsequent to the month in which the participant reaches age sixty-two (62) and ii) the monthly Social Security benefit payable to the participant at age sixty-two (62); or

(F) Level Income Option—Joint and Survivor.

1. An annuity, whereby a monthly installment shall be paid to the participant during his or her lifetime and thereafter in the percentage (either fifty (50), seventy-five (75), or one hundred (100)) of such monthly amount, as elected by the participant, to his or her survivor annuitant during his or her lifetime, on the last day of each calendar month in which the participant or his or her survivor annuitant shall have lived the entire month. The annuity shall be adjusted so that the monthly annuity payable for the months ending *[before the participant attains age sixty-two (62)] immediately before the first day of the month after the date the participant attains age sixty-two (62)* is approximately equal to the sum of i) the monthly adjusted annuity payable for the month *[coinciding with and]* subsequent to the month in which the participant reaches age sixty-two (62) and ii) the monthly Social Security benefit payable to the participant at age sixty-two (62). If the participant dies before he or she reaches age sixty-two (62), the survivor annuitant's benefit shall be adjusted on the **first day of the month after the date on which the participant would have reached age sixty-two (62)** in the manner that the participant's annuity would have been adjusted on such date.

2. Notwithstanding anything in the preceding paragraph to the contrary, if the monthly benefit payable to the participant under this form **beginning with the month** after the participant's sixty-second birthday is zero, then the monthly adjusted annuity *[before]* **with respect to months ending immediately before the first day of the month after the date the participant attains age sixty-two (62)**

shall be a period-certain annuity, commencing on the participant's annuity starting date, and ending on the date **immediately before the first day of the month after** the participant attains (or would have attained) age sixty-two (62). If the participant dies before attaining age sixty-two (62), then the remaining payments under the form shall be made to the participant's survivor annuitant (if surviving), or in a single sum to the participant's estate, if the survivor annuitant predeceases the participant. If the survivor annuitant survives the participant, but dies before the participant's sixty-second birthday, then the remaining payments under the form shall be made to the survivor's annuitant's estate.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed July 29, 1997, effective Jan. 30, 1998. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 23, 2003, effective Oct. 30, 2003. Amended: Filed July 6, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, PO Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 1—Insurance Producers**

PROPOSED RULE

20 CSR 700-1.146 Recommendations to Customers (Suitability)

PURPOSE: This rule implements the requirements of section 375.141.1(8), RSMo, with respect to the demonstration of incompetence, untrustworthiness or financial irresponsibility of producers in the offer, sale or exchange of variable life and variable annuity products.

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) In recommending to a customer the purchase, sale or exchange of any variable life or variable annuity product, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his or her other investment holdings and as to his financial situation and needs.

(B) Prior to the execution of a variable life or variable annuity transaction recommended to a customer a producer shall make reasonable efforts to obtain information concerning—

1. The customer's financial status;
2. The customer's tax status;
3. The customer's insurance and investment objectives;
4. The customer's current and reasonably anticipated needs for liquidity; and

5. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

(C) No person shall materially aid any other person in any violation or failure to comply with any standard set forth in this rule.

(2) Interpretation of this rule shall be guided by judicial and administrative opinions and decisions construing substantially similar requirements of the National Association of Securities Dealers (NASD).

AUTHORITY: sections 374.040, 374.045, 375.013, and 376.309.6 RSMo 2000. Original rule filed July 5, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10 a.m. on September 20, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on September 20, 2005. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 1—Insurance Producers**

PROPOSED RULE

20 CSR 700-1.147 Reasonable Supervision in Variable Life and Variable Annuity Sales

PURPOSE: This rule implements the requirements of section 375.141.1(8), RSMo, with respect to the demonstration of incompetence, untrustworthiness or financial irresponsibility by producers in the offer, sale or exchange of variable life and variable annuity products.

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Individual Producers. Each individual producer licensed to sell variable life and variable annuity products shall be supervised by a member of the National Association of Securities Dealers (NASD), which member shall also be licensed as a business entity producer with the Department of Insurance (supervising member).

(B) Supervising Members.

1. Supervisory system.

A. Each supervising member shall establish and maintain a system to supervise the activities of each individual producer that is reasonably designed to achieve compliance with applicable state insurance laws and regulations, federal securities laws and regulations, and with applicable NASD rules. Final responsibility for

proper supervision shall rest with the supervising member. A supervising member's supervisory system shall provide, at a minimum, for the following:

(I) The establishment and maintenance of written procedures as required by paragraphs (1)(B)2. and 3. of this rule;

(II) The designation, where applicable, of an appropriately qualified and registered NASD principal(s) with authority to carry out the supervisory responsibilities of the supervising member for variable life and variable annuity products;

(III) The designation of an office of supervisory jurisdiction (OSJ) of each location that meets the definition contained in NASD Rule 3010(g)(2), effective January 31, 2005. The supervising member shall also designate such other OSJs as it determines to be necessary in order to supervise its producers and employees in accordance with the standards set forth in this rule, taking into consideration the following factors:

(a) Whether the individual producers or employees engage in retail sales or other activities involving regular conduct with public customers;

(b) Whether a substantial number of individual producers conduct sales activities at, or are otherwise supervised from, such location;

(c) Whether the location is geographically distant from another OSJ of the supervising member;

(d) Whether the individual producers are geographically dispersed; and

(e) Whether the investment or insurance activities at such location are diverse and/or complex;

(IV) The designation of one or more appropriately qualified and registered NASD principal(s) in each OSJ, including the main office, and one or more appropriately NASD qualified and licensed producers in each non-OSJ branch office (as defined in NASD Rule 3010(g)(1), effective January 31, 2005) with authority to carry out the supervisory responsibilities assigned to that office by the supervising member;

(V) The assignment of each individual producer to an appropriately NASD qualified and licensed producer who shall be responsible for supervising that person's activities;

(VI) Reasonable efforts to determine that all supervisory personnel are qualified by virtue of experience or training to carry out their assigned responsibilities;

(VII) The participation of each producer, either individually or collectively, no less than annually, in an interview or meeting conducted by persons designated by the supervising member at which compliance matters relevant to the activities of the individual producer(s) are discussed. Such interview or meeting may occur in conjunction with the discussion of other matters and may be conducted at a central or regional location or at the individual producer's place of business.

2. Written procedures.

A. Each supervising member shall establish, maintain, and enforce written procedures to supervise the variable life and variable annuity business in which it engages and to supervise the activities of individual producers that are reasonably designed to achieve compliance with applicable state insurance laws and regulations, federal securities laws and regulations, and with applicable NASD rules.

B. The supervising member's written supervisory procedures shall set forth the supervisory system established by the supervising member pursuant to subparagraph (1)(B)1.A. above, and shall include the titles, registration/licensure status and locations of the required supervisory personnel and the responsibilities of each supervisory person as these relate to the types of business engaged in, applicable insurance laws and regulations, applicable federal securities laws and regulations, and applicable NASD rules. The supervising member shall maintain on an internal record the names of all persons who are designated as supervisory personnel and the dates for which such designation is or was effective. Such record shall be preserved by the supervising member for a period of not less

than three (3) years, the first two (2) years in an easily accessible place.

C. A copy of a supervising member's written supervisory procedures, or the relevant portions thereof, shall be kept and maintained in each OSJ and at each location where supervisory activities are conducted on behalf of the supervising member. Each supervising member shall amend its written supervisory procedures as appropriate within a reasonable time after changes occur in applicable state insurance laws and regulations, applicable federal securities laws and regulations, and applicable NASD rules, and as changes occur in its supervisory system, and each supervising member shall be responsible for communicating amendments to the individual producers it supervises.

3. Internal inspections.

A. Each supervising member shall conduct a review, at least annually, of the businesses in which it engages, which review shall be reasonably designed to assist in detecting and preventing violations of, and achieving compliance with, applicable state insurance laws, applicable federal securities laws and regulations, and with applicable NASD rules. Each supervising member shall review the activities of each office, which shall include the periodic examination of customer accounts, to detect and prevent irregularities or abuses.

(I) Each supervising member shall inspect at least annually every office of supervisory jurisdiction and any branch office that supervises one or more non-branch locations.

(II) Each supervising member shall inspect at least every three (3) years every branch office that does not supervise one or more non-branch locations. In establishing how often to inspect each non-supervisory branch office, the firm shall consider whether the nature and complexity of the variable life and variable annuity sales activities for which the location is responsible, the volume of business done, and the number of individual producers assigned to the location require the non-supervisory branch office to be inspected more frequently than every three (3) years. If a supervising member establishes a more frequent inspection cycle, the supervising member must ensure that at least every three (3) years, the inspection requirements enumerated in subparagraph (1)(B)3.B. have been met. The non-supervisory branch office examination cycle, an explanation of the factors the supervising member used in determining the frequency of the examinations in the cycle, and the manner in which a supervising member will comply with subparagraph (1)(B)3.B. if using more frequent inspections than every three (3) years, shall be set forth in the supervising member's written supervisory and inspection procedures.

(III) Each supervising member shall inspect on a regular periodic schedule every non-branch location. In establishing such schedule, the firm shall consider the nature and complexity of the variable life and variable annuities activities for which the location is responsible and the nature and extent of contact with customers. The schedule and an explanation regarding how the supervising member determined the frequency of the examination schedule shall be set forth in the supervising member's written supervisory and inspection procedures.

(IV) Each supervising member shall retain a written record of the dates upon which each review and inspection is conducted.

B. An office inspection and review by a supervising member pursuant to subparagraph (1)(B)3.A. must be reduced to a written report and kept on file by the supervising member for a minimum of three (3) years, unless the inspection is being conducted pursuant to part (1)(B)3.A.(III) and the regular periodic schedule is longer than a three (3)-year cycle, in which case the report must be kept on file at least until the next inspection report has been written. The written inspection report must also include, without limitation, the testing and verification of the supervising member's policies and procedures, including supervisory policies and procedures in the following areas:

(I) Safeguarding of customer funds and annuities;

(II) Maintaining of books and records;

(III) Supervision of customer accounts serviced by branch office managers;

(IV) Transmittal of funds between customers and individual producers;

(V) Validation of customer address changes; and

(VI) Validation of changes in customer account information.

If a supervising member does not engage in all of the activities enumerated above, the supervising member must identify those activities in which it does not engage in the written inspection report and document in the report that supervisory policies and procedures for such activities must be in place before the supervising member can engage in them.

C. An office inspection by a supervising member pursuant to subparagraph (1)(B)3.A. may not be conducted by the branch office manager or any person within that office who has supervisory responsibilities or by any individual who is supervised by such person(s). However, if a supervising member is so limited in size and resources that it cannot comply with this limitation (e.g., a supervising member with only one (1) office or a supervising member has a business model where small or single-person offices report directly to an office of supervisory jurisdiction manager who is also considered the office's branch office manager), the supervising member may have a principal who has the requisite knowledge to conduct an office inspection perform the inspections. The supervising member, however, must document in the office inspection reports the factors it has relied upon in determining that it is so limited in size and resources that it has no other alternative than to comply in this manner. A supervising member must have in place procedures that are reasonably designed to provide heightened office inspections if the person conducting the inspection reports to the branch office manager's supervisor or works in an office supervised by the branch manager's supervisor and the branch office manager generates twenty percent (20%) or more of the revenue of the business units supervised by the branch office manager's supervisor. For the purposes of this paragraph only, the term "heightened inspection" shall mean those inspection procedures that are designed to avoid conflicts of interest that serve to undermine complete and effective inspection because of the economic, commercial, or financial interests that the branch manager's supervisor holds in the associated persons and businesses being inspected. In addition, for the purpose of this paragraph only, when calculating the twenty percent (20%) threshold, all of the revenue generated by or credited to the branch office or branch office manager shall be attributed as revenue generated by the business units supervised by the branch office manager's supervisor irrespective of a supervising member's internal allocation of such revenue. A supervising member must calculate the twenty percent (20%) threshold on a rolling, twelve (12)-month basis.

4. Review of transactions and correspondence.

A. Supervision of individual producers. Each supervising member shall establish procedures for the review and endorsement by a NASD qualified principal in writing, on an internal record, of all transactions and for the review by a registered principal of incoming and outgoing written and electronic correspondence of its individual producers with the public relating to the variable life or variable annuities business of such supervising member. Such procedures should be in writing and be designed to reasonably supervise each individual producer. Evidence that these supervisory procedures have been implemented and carried out must be maintained and made available to the Department of Insurance upon request.

B. Review of correspondence. Each supervising member shall develop written procedures that are appropriate to its business, size, structure, and customers for the review of incoming and outgoing written (i.e., non-electronic) and electronic correspondence with the public relating to its variable life or variable annuities business, including procedures to review incoming, written correspondence directed to individual producers and related to the supervising member's variable life or variable annuities business to properly identify

and handle customer complaints and to ensure that customer funds and variable life and variable annuities are handled in accordance with supervising member's procedures. Where such procedures for the review of correspondence do not require review of all correspondence prior to use or distribution, they must include provision for the education and training of associated persons as to the supervising member's procedures governing correspondence, documentation of such education and training, and surveillance and follow-up to ensure that such procedures are implemented and adhered to.

C. Each supervising member shall retain correspondence of producers relating to its variable life and variable annuity business in accordance with Rules 17a-3 and 17a-4 under the Securities and Exchange Act of 1934. The names of the persons who prepared outgoing correspondence and who reviewed the correspondence shall be ascertainable from the retained records and the retained records shall be readily available to the Department of Insurance, upon request.

5. Qualifications investigated.

A. Each supervising member shall have the responsibility and duty to ascertain by investigation the good character, business repute, qualifications, and experience of any individual producer prior to assisting in the application of such person for a variable life or variable annuity line with the department.

B. Where an applicant for license has previously been licensed with the department, the supervising member shall review a copy of the Uniform Termination Notice of Securities Industry Registration (Form U-5) filed with the NASD by such person's most recent previous NASD member employer, together with any amendments thereto that may have been filed pursuant to Article V, Section 3 of the NASD's By-Laws. The supervising member shall review the Form U-5 as required by this rule no later than sixty (60) days following the filing of the application for license or demonstrate to the department that it has made reasonable efforts to comply with the requirement. In conducting its review of the Form U-5 and any amendments thereto, a supervising member shall take such action as may be deemed appropriate.

6. Supervisory control system.

A. General requirements.

(I) Each supervising member shall designate and specifically identify one (1) or more principals who shall establish, maintain, and enforce a system of supervisory control policies and procedures that:

(a) Test and verify that the supervising member's supervisory procedures are reasonably designed with respect to its activities and the activities of its employees, to achieve compliance with applicable state insurance laws and regulations, applicable federal securities laws and regulations, and with applicable NASD rules; and

(b) Create additional or amend supervisory procedures where the need is identified by such testing and verification.

(II) The designated principal or principals must submit to the supervising member's senior management no less than annually, a report detailing each supervising member's system of supervisory controls, the summary of the test results and significant identified exceptions, and any additional or amended supervisory procedures created in response to the test results.

(III) The establishment, maintenance, and enforcement of written supervisory control policies and procedures pursuant to part 1. shall include:

(a) Procedures that are reasonably designed to review and supervise the customer account activity conducted by the supervising member's branch office managers, sales managers, regional or district sales managers, or any person performing a similar supervisory function.

I. A person who is either senior to, or otherwise independent of, the producing manager must perform such supervisory reviews. For purposes of this rule, an "otherwise independent" person: may not report either directly or indirectly to the producing manager under review; must be situated in an office other than the

office of the producing manager; must not otherwise have supervisory responsibility over the activity being reviewed (including not being directly compensated based in whole or in part on the revenues accruing for those activities); and must alternate such review responsibility with another qualified person every two (2) years or less.

II. If a supervising member is so limited in size and resources that there is no qualified person senior to, or otherwise independent of, the producing manager to conduct the reviews pursuant to (1)(B)6.A.(II)(a)I. above (e.g., a supervising member has only one (1) office or an insufficient number of qualified personnel who can conduct reviews on a two (2)-year rotation), the reviews may be conducted by a principal who is sufficiently knowledgeable of the supervising member's supervisory control procedures, provided that the reviews are in compliance with (1)(B)6.A.(II)(a)I. to the extent practicable.

III. A supervising member relying on (1)(B)6.A.(II)(a)II. above must document in its supervisory control procedures the factors used to determine that complete compliance with all of the provisions of (1)(B)6.A.(II)(a)I. is not possible and that the required supervisory systems and procedures in place with respect to any producing manager comply with the provisions of (1)(B)6.A.(II)(a)I. above to the extent practicable.

(b) Procedures that are reasonably designed to review and monitor the following activities:

I. All transmittals of funds (e.g., wires or checks, etc.) from customers to third party accounts (i.e., a transmittal that would result in a change of beneficial ownership); from customer accounts to outside entities (e.g., banks, investment companies, etc.); from customer accounts to locations other than a customer's primary residence (e.g., post office box, "in care of" accounts, alternate address, etc.); and between customers and registered representatives, including the hand-delivery of checks;

II. Customer changes of address and the validation of such changes of address; and

III. Customer changes of investment objectives and the validation of such changes of investment objectives.

(c) The policies and procedures established pursuant to subpart (1)(B)6.A.(II)(b) must include a means or method of customer confirmation, notification, or follow-up that can be documented. If a supervising member does not engage in all of the activities enumerated above, the supervising member must identify those activities in which it does not engage in its written supervisory control policies and procedures and document in those policies and procedures that additional supervisory policies and procedures for such activities must be in place before the supervising member can engage in them; and

(d) Procedures that are reasonably designed to provide heightened supervision over the activities of each producing manager who is responsible for generating twenty percent (20%) or more of the revenue of the business units supervised by the producing manager's supervisor. For the purposes of this part only, the term "heightened supervision" shall mean those supervisory procedures that evidence supervisory activities that are designed to avoid conflicts of interest that serve to undermine complete and effective supervision because of the economic, commercial, or financial interests that the supervisor holds in the associated persons and businesses being supervised. In addition, for the purpose of this part only, when calculating the twenty percent (20%) threshold, all of the revenue generated by or credited to the producing manager or the producing manager's office shall be attributed as revenue generated by the business units supervised by the producing manager's supervisor irrespective of a supervising member's internal allocation of such revenue. A supervising member must calculate the twenty percent (20%) threshold on a rolling, twelve (12)-month basis.

(2) No person shall materially aid any other person in any violation or failure to comply with any standard set forth in this rule.

(3) Interpretation of this rule shall be guided by judicial and administrative opinions and decisions construing substantially similar requirements of the NASD. Any person in compliance with substantially similar requirements of the NASD shall be deemed to be in compliance with the provisions of this rule.

AUTHORITY: sections 374.040, 374.045, 375.013, and 376.309.6. RSMo 2000. Original rule filed July 5, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10 a.m. on September 20, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on September 20, 2005. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-4.117 Prohibited Species is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1112). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.415 Restricted Zones is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1112-1113). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1113). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1113-1114). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2005–2006 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: This establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2005–2006 seasons.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 10 through September 18. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed July 7, 2005, effective **July 18, 2005**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.110 General Prohibitions; Applications is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1114). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1114–1115). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.744 Commercial Deer Processing: Permit, Privileges, Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1115). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.115 Closings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1115). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.109 Closed Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1115-1116). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.110 Use of Boats and Motors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1116). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.115 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1116). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 Hunting and Trapping is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1116-1117). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.140 Fishing, Daily and Possession Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1117-1118). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 Fishing, Length Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1118). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 12—Wildlife Code: Special Regulations for Areas Owned by Other Entities

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.150 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1118-1119). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No written comments were received; however, the commission changed section (1) to correct the name for Maramec Spring Park.

3 CSR 10-12.150 Fishing, Trout Parks

(1) On Maramec Spring Park, Bennett Spring State Park, Montauk State Park and Roaring River State Park:

(E) Trout fishing is permitted from 8:00 a.m. to 4:00 p.m. daily from the second Friday in November through the second Sunday in February at Maramec Spring Park. Fishing is permitted only by holders of a valid trout permit. Only flies may be used and all fish must be returned to the water unharmed immediately after being caught. Fish may not be possessed on these waters.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions****ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-20.805 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2005 (30 MoReg 1119). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 60—State Board of Barber Examiners
Chapter 1—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Barber Examiners under sections 328.060.1, RSMo 2000 and 328.075.3 and 610.026, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 60-1.025 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005

(30 MoReg 763). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 60—State Board of Barber Examiners
Chapter 2—Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the State Board of Barber Examiners under sections 328.080 and 328.110, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 60-2.015 Licensure by Examination for a Barber is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 763-764). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 60—State Board of Barber Examiners
Chapter 2—Licensure Requirements****ORDER OF RULEMAKING**

By the authority vested in the State Board of Barber Examiners under sections 328.115.3 and 328.120, RSMo 2000, the board amends a rule as follows:

4 CSR 60-2.040 Barbershops is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 764-767). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 60—State Board of Barber Examiners
Chapter 3—Curriculum Requirements for Barber
Schools/Colleges****ORDER OF RULEMAKING**

By the authority vested in the State Board of Barber Examiners under sections 328.115, 328.120, and 328.150, RSMo 2000 and 328.080, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 60-3.015 Rules and Curriculum Prescribed for Barber Schools/Colleges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 768-769). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 145—Missouri Board of Geologist Registration
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Geologist Registration under section 256.465.2, RSMo 2000, the board amends a rule as follows:

4 CSR 145-1.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 783-784). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Geologist Registration under sections 256.462.3 and 256.468, RSMo 2000, the board rescinds a rule as follows:

4 CSR 145-2.060 Licensure by Reciprocity is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 2, 2005 (30 MoReg 784). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Geologist Registration under sections 256.462.3 and 256.468, RSMo 2000, the board adopts a rule as follows:

4 CSR 145-2.060 Licensure by Reciprocity is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2005 (30 MoReg 784-787). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the Healing
Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.075, 334.080 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.050 Annual Registration Penalty is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 788). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the Healing
Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.090.2 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.080 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 788-789). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the Healing
Arts
Chapter 2—Licensing of Physicians and Surgeons**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.075 and 334.125, RSMo 2000, the board amends a rule as follows:

4 CSR 150-2.125 Continuing Medical Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 790-791). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the Healing
Arts**

**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, RSMo 2000 and 334.530 and 334.550, RSMo Supp. 2004, the board amends a rule as follows:

**4 CSR 150-3.010 Application for Licensure as a Professional
Physical Therapists is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 791). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the Healing
Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.022 and 334.030, RSMo 2000, the board amends a rule as follows:

**4 CSR 150-4.055 Applicants for Provisional Licensure is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 791). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 232—Missouri State Committee of Interpreters
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(2), RSMo 2000, the board amends a rule as follows:

4 CSR 232-1.040 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 791-792). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(2), RSMo 2000, the board amends a rule as follows:

**4 CSR 232-2.030 Name and Address Change and License Renewal
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 792). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 232—Missouri State Committee of Interpreters
Chapter 3—Ethical Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under sections 209.328.1, RSMo 2000 and 209.334, RSMo Supp. 2004, the board amends a rule as follows:

4 CSR 232-3.010 General Principles is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 792). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 232—Missouri State Committee of Interpreters
Chapter 3—Ethical Rules of Conduct**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under sections 209.328.1, RSMo 2000 and 209.334, RSMo Supp. 2004, the board adopts a rule as follows:

4 CSR 232-3.030 Mentorship is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2005 (30 MoReg 792–795). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.612 and 337.615, RSMo Supp. 2004, the committee amends a rule as follows:

4 CSR 263-2.045 Provisional Licensed Clinical Social Worker is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 796). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.650, 337.653, 337.665 and 337.677, RSMo Supp. 2004, the committee amends a rule as follows:

4 CSR 263-2.047 Provisional Licensed Baccalaureate Social Worker is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 796–797). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-9.010 Public Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 689). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-9.020 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 689–691). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-9.030 Eligibility Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 691–692). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received and considered.

COMMENT: The Board of Directors of the Missouri Pharmacy Association commented that the rulemaking language was too restrictive. It was felt the requirements would give an unfair advantage to the few pharmacies who can meet the requirements. The board did not feel the change in requirements would benefit potential patients. RESPONSE: The Federal Highway Administration (FHWA) amended the *Manual on Uniform Traffic Control Devices* for signing, giving states the option to allow signing for pharmacies on specific service signs so long as the pharmacies met the requirements set forth by FHWA. If a pharmacy is to be included on state logo sign programs, the pharmacy must meet the federal requirements. The Missouri Department of Transportation (MoDOT) chose to allow pharmacies to be added to logo signing as they felt it could benefit the public in directing motorists who are in need of emergency pharmacy services. The logo signing is meant to regulate, warn or guide the unfamiliar driver to a pharmacy that is open, regardless of the time of day. MoDOT does not believe this rule change will harm any pharmacy, regardless of size. Further, MoDOT believes the rule change will benefit the motoring public.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-9.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 692). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received, however, changes have been made to the text of the proposed amendment in order to reflect the correct number of services allowed.

7 CSR 10-9.040 Specific Service Signs

(1) Specific service signs on the interstate and primary highway system shall be erected not less than eight hundred feet (800'), or as approved by the department, in advance of the exit direction sign, at the interchange from which the services are available. They shall be installed in the order of pharmacy, tourist attraction, camping, lodging, food and gas, as observed in the direction of travel. No more than four (4) specific service signs shall be erected per exit direction. Logos from two (2) specific service panels may be combined on a single panel to accommodate all six (6) specific services if four (4) specific panels already exist at an interchange.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-9.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 692-693). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received, however changes have been made to the text of the proposed amendment in order to reflect the correct numerical format of material requirements according to the *Missouri Standard Specifications for Highway Construction*.

7 CSR 10-9.050 Sign Design and Installation

(1) Specific service signs shall be constructed and installed so that the exit number shall be displayed at numbered interchanges in place of the directional legend (that is, Next Right, etc.). Signs shall be constructed of Type 3, reflective sheeting with direct applied Type 7 prismatic legend and extruded aluminum panels in accordance with the *Missouri Standard Specifications for Highway Construction*. Department standard construction specifications shall be followed. Sign design will be approved by the department prior to installation.

(2) Supplemental directional signs for ramps must be constructed and installed as follows:

(E) Signs shall be constructed of Type 3 reflective sheeting with direct applied Type 7 prismatic legend and extruded aluminum panels in accordance with the *Missouri Standard Specifications for Highway Construction*. Sign design will be approved by the department prior to installation; and

(4) Business logo signs shall be constructed and installed as follows:

(F) The sign shall be fabricated from a single sheet of minimum sixty-three thousandths inch (.0063") thickness aluminum alloy, 6061-T6 or 5052-483 of ASTM B209. The aluminum shall be treated before applying the reflective sheeting in accordance with the *Missouri Standard Specifications for Highway Construction*. High quality Type 1 or Type 3 reflective sheeting, as defined by *Missouri Standard Specifications for Highway Construction*, shall be used in all cases and shall be applied with mechanical equipment in accordance with manufacturers' specifications;

(G) Minimum reflective intensity for manufactured colors after sign fabrication shall conform to the requirements of standard specifications for retroreflective sheeting for traffic control, American Association of State Highway and Transportation Officials (AASHTO) designation: M268-03. All reflective sheeting shall be Type I or Type III sheeting;

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 9—Logo Signing**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.535, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-9.060 Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005

(30 MoReg 693). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 110—Fees**

ORDER OF RULEMAKING

By the authority vested in the Family Support Division under section 454.400, RSMo 2000, the director rescinds a rule as follows:

13 CSR 40-110.020 Federal Income Tax Refund Offset Fee is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2005, (30 MoReg 647). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 110—Fees**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Family Support Division under section 454.400.2(5), RSMo 2000, the division withdraws a proposed rule as follows:

13 CSR 40-110.030 Order Review and Modification Fee is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 15, 2005 (30 MoReg 561–562). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The Family Support Division received two (2) letters of comment on the proposed rule, both in opposition.

RESPONSE: The division is withdrawing this rulemaking in order to conduct further review.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153, 208.159 and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 982–986). Those sections with changes are reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received several comments on the proposed amendment.

COMMENT: A comment was received indicating that the effect of the proposed amendment is to reimburse nursing facilities less than the reasonable and necessary cost to provide care and services to their residents in compliance with state and federal health and safety standards.

RESPONSE: The division believes its reimbursement plan, including the proposed amendment, is reasonable and adequate to provide care and services to nursing facility residents in compliance with state and federal health and safety standards.

COMMENT: A comment was received indicating that the rule is arbitrary, capricious or unreasonable in that there is no reasonable basis for its promulgation and adoption since the average occupancy of nursing facilities in Missouri is below the eighty-five percent (85%) minimum occupancy established in this amendment.

RESPONSE: The division believes the eighty-five percent (85%) minimum occupancy included in the proposed amendment is reasonable. The minimum occupancy adjustment has been used in Missouri's nursing facility reimbursement plan for many years to encourage efficiencies in nursing facility operations by maintaining a reasonable occupancy level and to avoid costing taxpayers the burden of paying for empty nursing facility beds. The division has determined that an eighty-five percent (85%) occupancy is reasonable and been using the eighty-five percent (85%) minimum occupancy standard since the inception of this regulation which was effective January 1, 1995.

COMMENT: A comment was received indicating that the hold harmless provision is not the best use of resources and that the money should be used to provide incentives to facilities providing quality patient care to nursing facility residents.

RESPONSE: The division believes its reimbursement plan, including the proposed amendment, is reasonable and adequate to provide quality patient care and services to nursing facility residents.

COMMENT: A comment was received indicating that the division did not consider in its rate calculation facilities that have limited their population to meet Certificate of Need (CON) requirements or allowances for fifty percent (50%) occupancy.

RESPONSE AND EXPLANATION OF CHANGE: The division has added subsection (I) to section (21) to take this situation into account when performing the per diem rate calculation.

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services

(21) Per Diem Rate Calculation Effective for Dates of Service Beginning July 1, 2005. Effective for dates of service beginning July 1, 2005, the rebase provisions set forth in section (20) shall not apply. Effective for dates of service beginning July 1, 2005, the per diem rates shall be calculated using the same principles and methodology as detailed throughout sections (1)-(19) of this regulation, except that the data indicated in this section (21) shall be used.

(I) Facility size and occupancy rate adjustment. If a facility qualifies for the facility size and occupancy rate adjustment, its facility size and occupancy rate shall be adjusted and used in the calculation of its per diem rate.

1. Qualifying criteria. A nursing facility may qualify for a facility size and occupancy adjustment if it meets all of the following criteria:

A. The facility has been operating only fifty percent (50%) of its licensed bed capacity; and

B. Every resident has been residing in a private room; and

C. The facility has been operating as such (as detailed in subparagraphs (21)(I)1.A. and B. above) from the beginning of their 2001 cost report period through the date the rate is effective as reported on the quarterly survey form, "Missouri Department of Health and Senior Services, Division of Senior Services and Regulation, ICF/SNF Certificate of Need Quarterly Survey" (form MO 886-9001(6-95)) (quarterly survey); and

D. The facility's intent for operating as such is to qualify for a Certificate of Need (CON) in accordance with section 197.318.9, RSMo 2000.

2. Calculation of adjusted facility size, adjusted occupancy rate and adjusted per diem rate.

A. Adjusted facility size. The facility size as defined in subsection (4)(BB) and used in the determination of a facility's capital cost component under the fair rental value system set forth in subsection (11)(D) shall be adjusted to reflect fifty percent (50%) of the licensed bed capacity.

B. Adjusted occupancy rate. The occupancy rate as defined in subsection (4)(MM) shall be adjusted to reflect fifty percent (50%) of the licensed bed capacity by adjusting the bed days used to determine the occupancy rate. The bed days shall be calculated using fifty percent (50%) of the licensed bed capacity and the adjusted occupancy rate shall be calculated by dividing the facility's total actual patient days by the adjusted bed days.

C. The adjusted facility size and the adjusted occupancy rate shall be used to determine the facility's per diem rate in accordance with the remaining provisions of this regulation.

3. The facility must notify the division in writing that it qualifies for this adjustment and provide the proper documentation, including the following:

A. A copy of the quarterly surveys from the beginning of the 2001 cost report period through the date the rate is effective; and

B. A copy of an approved CON obtained under section 197.318.9, RSMo 2000, or a written statement indicating the facility's intention of obtaining a CON under section 197.318.9, RSMo 2000, including a specific time line detailing when they plan to apply for the CON and when they plan to begin construction relative to the CON.

C. The division shall accept such written notification from facilities that qualify for this adjustment as of July 1, 2005 for up to thirty (30) days after the effective date of this amendment.

4. This adjustment shall only apply to nursing facilities with a prospective rate on July 1, 2005 and shall only be granted for the July 1, 2005 rate calculation.

5. Loss of facility size and occupancy rate adjustment and recalculation of per diem rate. If a facility's per diem rate has been set using an adjusted facility size and an adjusted occupancy rate and at least one of the conditions set forth below in (21)(I)5.A.(I)-(IV) is met, the facility will no longer receive the adjustment to the facility size and occupancy rate in determining its per diem rate and its per diem rate shall be recalculated.

A. The conditions for losing the facility size and occupancy rate adjustment include the following:

(I) The facility ceases to operate at fifty percent (50%) of its licensed bed capacity; or

(II) The facility ceases to operate with every resident residing in a private room; or

(III) The facility does not apply for a CON under section 197.318.9, RSMo 2000 within five (5) years of receiving the adjustment; or,

(IV) The facility does not begin the construction relative to the CON obtained under section 197.318.9, RSMo 2000 within five (5) years of receiving the adjustment.

B. If the facility size and occupancy rate adjustment is lost, the facility's per diem rate shall be recalculated using the unadjusted

facility size as set forth in subsection (4)(BB) and the unadjusted bed days and unadjusted occupancy rate as set forth in subsection (4)(MM).

C. The facility must notify the division within thirty (30) days if it no longer qualifies for the facility size and occupancy rate adjustment as a result of meeting one (1) of the conditions listed above in (21)(I)5.A.

(I) If the facility notifies the division of such within thirty (30) days, the effective date of the rate recalculation shall be the date that one (1) of the conditions set forth above in (21)(I)5.A. is met. If more than one (1) of the conditions apply, the effective date shall be the earliest date. The facility shall repay the division any overpayment resulting from the loss of the facility size and occupancy rate adjustment.

(II) If the facility does not notify the division within thirty (30) days, the effective date of the rate recalculation shall be the date the facility size and occupancy rate adjustment was originally granted. The facility shall repay the division any overpayment resulting from the loss of the facility size and occupancy rate adjustment.

(J) The rates effective for dates of service beginning July 1, 2005 shall be determined, as set forth below:

1. A preliminary rate for July 1, 2005 shall be calculated using the same principles and methodology as detailed throughout sections (1)-(19) of this regulation and the updated items detailed above in subsections (21)(A)-(I).

2. The total increase resulting from the July 1, 2005 preliminary rate calculation shall be calculated as follows:

A. Each facility's rate as of June 30, 2004, less the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9., shall be compared to the July 1, 2005 preliminary rate calculation.

(I) The high volume adjustment, if applicable, and the NFRA shall not be included in the June 30, 2004 rate or the July 1, 2005 preliminary rate for comparison purposes in determining the total increase.

(II) The high volume adjustment, if applicable, and the current NFRA shall be added to the rate determined below in subparagraphs (21)(J)2.B. and (21)(J)2.C.

B. If the July 1, 2005 preliminary rate is greater than the June 30, 2004 rate including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9., the difference between the two (2) shall represent the total increase. Effective for dates of service beginning July 1, 2005, one-third (1/3) of the total increase shall be added to the facility's rate as of June 30, 2004 including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9. The high volume adjustment, if applicable, and the current NFRA shall be added to that total and shall be the facility's prospective rate for dates of service beginning July 1, 2005.

C. If the July 1, 2005 preliminary rate is less than the June 30, 2004 rate including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9., the facility's prospective rate shall be the facility's rate as of June 30, 2004 including the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in paragraph (13)(A)9. plus the high volume adjustment, if applicable, and the current NFRA.

(K) Interim rates and rates for hospital-based facilities that do not submit cost reports due to having less than one thousand (1,000) patient days for Medicaid residents shall also be recalculated and increases given as set forth above.

REVISED PRIVATE COST: This proposed amendment will result in a reduction of Medicaid revenues to private entities of approximately \$1,605,000 for SFY 2005 and \$9,540,000 for SFY 2006 versus the estimate of \$1,605,000 for SFY 2005 and \$9,630,000 for SFY 2006, which was submitted with the original proposal.

REVISED FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
500	Nursing facilities	Annual estimated cost: SFY 2005 = \$1,605,000 SFY 2006 = \$9,540,000

III. WORKSHEET

SFY 2005:

Estimated Paid Days: SFY 2005 *	1,500,000
x Average Rate Decrease	(\$1.07)
Total Estimated Impact: SFY 2005	<u>\$1,605,000</u>

SFY 2006:

Estimated Medicaid Days: SFY 2006	9,000,000
x Average Rate Decrease **	(\$1.06)
Total Estimated Impact: SFY 2006	<u>\$9,540,000</u>

IV. ASSUMPTIONS

Effective for dates of service beginning April 1, 2005, nursing facility rebased rates are calculated using:

- Updated databank – Resulted in an increase in rates due to an increase in the Ancillary ceiling. The increased cost is reflected in the Public Cost Fiscal Note.
- 85% minimum utilization for administration and capital cost components – Resulted in a decrease in rates, as reflected in this Private Cost Fiscal Note.

While nursing facilities will not be disbursing any funds as a result of this proposed amendment, they will not be receiving this amount of revenue from the Missouri Medicaid program.

- * There are approximately 9,000,000 Medicaid days paid for nursing facility services annually. For SFY 2005, the annual level of paid days is prorated over the 2 months remaining in SFY 2005 in which the decreased payment will be made:

$$9,000,000 / 12 \text{ months} \times 2 \text{ months of decreased payments in SFY 05} = 1,500,000$$

- ** The impact for SFY 2006 is not an additional decrease in rates from the April 1, 2005 rates. It reflects the annual impact of the decrease for SFY 2006.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program

SUMMARY OF COMMENTS: No comments were received.

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.153 and 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV
Nursing Facility Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2005 (30 MoReg 987-988). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri
No-Call Database

ORDER OF RULEMAKING

By the authority vested in the attorney general under section 407.1101, RSMo 2000, the attorney general amends a rule as follows:

15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2005 (30 MoReg 693-697). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The attorney general received no comments on the proposed amendment.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 6—Surplus Lines

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director rescinds a rule as follows:

20 CSR 200-6.600 Licensing Requirements **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2005 (30 MoReg 698). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Edison Credit Union 4200 E. Front Street Kansas City, MO 64120	Active or retired employees of: Waller Logistics, Inc. and Waller Truck Company, Inc.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the Missouri Register.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 70—Special Education
Chapter 742—Special Education**

STATEMENT OF ACTUAL COST

**5 CSR 70-742.141 Individuals with Disabilities Education Act,
Public Law 105-17, Part C**

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on February 17, 2004 (29 MoReg 336-337). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was \$18,810,248 and at the end of the first full year, the actual cost to state agencies and political subdivisions was \$24,018,819.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for September 19, 2005. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

07/05/05

#3792 HS: Audrain Medical Center
Mexico (Audrain County)
\$1,200,000, Acquire linear accelerator

07/06/05

#3791 FS: Missouri Cancer Care, P.C.
Wentzville (St. Charles County)
\$2,200,640, Replace linear accelerator

07/08/05

#3794 HS: American Multispecialty Group, Inc.
St. Louis (St. Louis County)
\$1,618,600, Acquire computerized tomography scanner

#3785 HS: Ozarks Medical Center
West Plains (Howell County)
\$1,966,785, Acquire cardiac catheterization

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 10, 2005. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for August 22, 2005. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

07/11/05

#3786 RP: Teal Lake Assisted Living
Mexico (Audrain County)

\$1, Long-term care bed expansion
through the purchase of 11
residential care facility II beds
from Westbrook Terrace Assisted
Living, Jefferson City (Cole County)

#3797 HS: Southeast Missouri Hospital
Cape Girardeau (Cape Girardeau County)
\$1,660,431, Replace computerized
tomography scanner

#3796 NS: The Cedars at the JCA
Chesterfield (St. Louis County)
\$2,731,573, Renovate/modernize long-
term care facility

Any person wishing to request a public hearing for the purpose of
commenting on these applications must submit a written request to
this effect, which must be received by August 11, 2005. All written
requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF WINDING UP OF LIMITED PARTNERSHIP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
H & V ECKHARDT FAMILY LIMITED PARTNERSHIP**

H & V Eckhardt Family Limited Partnership, a Missouri limited partnership, filed its Certificate of Cancellation of Limited Partnership with the Missouri Secretary of State on July 8, 2005, effective on the filing date.

All persons and organizations with claims against said limited partnership must submit them in writing to the limited partnership, c/o James C. Moloney, 7701 Forsyth, Suite 1060, Clayton, Missouri 63105. All claims must include the name, address, and telephone number of the claimant, the amount claimed, the basis for the claim, and the date the claim arose.

All claims against said limited partnership will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of the last of the three notices required by Missouri statute.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003), 29 (2004) and 30 (2005). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861 29 MoReg 1610
1 CSR 10-4.010	Commissioner of Administration		This Issue		
1 CSR 10-8.010	Commissioner of Administration		30 MoReg 1614		
1 CSR 10-15.010	Commissioner of Administration		This Issue		
1 CSR 15-3.290	Administrative Hearing Commission		30 MoReg 1437		
1 CSR 15-3.350	Administrative Hearing Commission		30 MoReg 1437		
1 CSR 15-3.380	Administrative Hearing Commission		30 MoReg 1438		
1 CSR 15-3.490	Administrative Hearing Commission		30 MoReg 1438		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		30 MoReg 1044		
1 CSR 40-1.060	Purchasing and Materials Management		30 MoReg 1527		
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council (<i>Changed from 8 CSR 70-1.010</i>)		30 MoReg 1441		
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council (<i>Changed from 8 CSR 70-1.020</i>)		30 MoReg 1441		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		30 MoReg 1529		
2 CSR 30-2.040	Animal Health		30 MoReg 685		
2 CSR 70-11.040	Plant Industries	30 MoReg 1433	30 MoReg 1438		
2 CSR 80-5.010	State Milk Board		30 MoReg 1044		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		This Issue		
3 CSR 10-4.117	Conservation Commission		30 MoReg 1112	This Issue	
3 CSR 10-5.205	Conservation Commission		30 MoReg 1532		
3 CSR 10-5.420	Conservation Commission		30 MoReg 1533		
3 CSR 10-6.415	Conservation Commission		30 MoReg 1112	This Issue	
3 CSR 10-6.535	Conservation Commission		30 MoReg 1113	This Issue	
3 CSR 10-7.410	Conservation Commission		30 MoReg 1113	This Issue	
			30 MoReg 1533		
3 CSR 10-7.431	Conservation Commission		N.A.	30 MoReg 1570	
3 CSR 10-7.432	Conservation Commission		N.A.	30 MoReg 1571	
3 CSR 10-7.433	Conservation Commission		N.A.	30 MoReg 1571	
3 CSR 10-7.434	Conservation Commission		N.A.	30 MoReg 1572	
3 CSR 10-7.437	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-7.438	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		N.A.	30 MoReg 1573	
3 CSR 10-9.110	Conservation Commission		30 MoReg 1114	This Issue	
3 CSR 10-9.645	Conservation Commission		30 MoReg 1114	This Issue	
3 CSR 10-10.744	Conservation Commission		30 MoReg 1115	This Issue	
3 CSR 10-11.115	Conservation Commission		30 MoReg 1115	This Issue	
3 CSR 10-12.109	Conservation Commission		30 MoReg 1115	This Issue	
3 CSR 10-12.110	Conservation Commission		30 MoReg 1116	This Issue	
3 CSR 10-12.115	Conservation Commission		30 MoReg 1116	This Issue	
3 CSR 10-12.125	Conservation Commission		30 MoReg 1116	This Issue	
3 CSR 10-12.140	Conservation Commission		30 MoReg 1117	This Issue	
3 CSR 10-12.145	Conservation Commission		30 MoReg 1118	This Issue	
3 CSR 10-12.150	Conservation Commission		30 MoReg 1119	This Issue	
3 CSR 10-20.805	Conservation Commission		30 MoReg 1119	This Issue	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 15-1.020	Acupuncturist Advisory Committee		30 MoReg 509	30 MoReg 1455	
4 CSR 15-1.030	Acupuncturist Advisory Committee		30 MoReg 509	30 MoReg 1455	
4 CSR 15-3.010	Acupuncturist Advisory Committee		30 MoReg 511	30 MoReg 1455	
4 CSR 30-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1301R 30 MoReg 1301		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1305		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310		
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310R 30 MoReg 1310		
4 CSR 30-21.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1314		
4 CSR 40-3.011	Office of Athletics		30 MoReg 1314R 30 MoReg 1314		
4 CSR 40-4.090	Office of Athletics		30 MoReg 1317R 30 MoReg 1317		
4 CSR 40-5.030	Office of Athletics		30 MoReg 1321		
4 CSR 60-1.025	State Board of Barber Examiners		30 MoReg 763	This Issue	
4 CSR 60-2.015	State Board of Barber Examiners		30 MoReg 763	This Issue	
4 CSR 60-2.040	State Board of Barber Examiners		30 MoReg 764	This Issue	
4 CSR 60-3.015	State Board of Barber Examiners		30 MoReg 768	This Issue	
4 CSR 70-2.032	State Board of Chiropractic Examiners		30 MoReg 769		
4 CSR 70-2.040	State Board of Chiropractic Examiners		30 MoReg 772		
4 CSR 70-2.060	State Board of Chiropractic Examiners		30 MoReg 775		
4 CSR 70-2.070	State Board of Chiropractic Examiners		30 MoReg 775		
4 CSR 70-2.080	State Board of Chiropractic Examiners		30 MoReg 775		
4 CSR 70-2.090	State Board of Chiropractic Examiners		30 MoReg 782		
4 CSR 70-3.010	State Board of Chiropractic Examiners		30 MoReg 782		
4 CSR 95-1.020	Committee for Professional Counselors		30 MoReg 1614		
4 CSR 100	Division of Credit Unions				30 MoReg 1081 30 MoReg 1460 This Issue
4 CSR 110-2.071	Missouri Dental Board		30 MoReg 609	30 MoReg 1574	
4 CSR 110-2.090	Missouri Dental Board		30 MoReg 613R 30 MoReg 613	30 MoReg 1574R 30 MoReg 1574	
4 CSR 110-2.170	Missouri Dental Board		30 MoReg 616	30 MoReg 1574	
4 CSR 110-2.230	Missouri Dental Board		30 MoReg 1048		
4 CSR 110-2.240	Missouri Dental Board		30 MoReg 616	30 MoReg 1575	
4 CSR 110-2.260	Missouri Dental Board		30 MoReg 1048		
4 CSR 145-1.040	Missouri Board of Geologist Registration		30 MoReg 783	This Issue	
4 CSR 145-2.060	Missouri Board of Geologist Registration		30 MoReg 784R 30 MoReg 784	This IssueR This Issue	
4 CSR 150-2.050	State Board of Registration for the Healing Arts		30 MoReg 788	This Issue	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		30 MoReg 788	This Issue	
4 CSR 150-2.125	State Board of Registration for the Healing Arts		30 MoReg 790	This Issue	
4 CSR 150-2.153	State Board of Registration for the Healing Arts		30 MoReg 619	30 MoReg 1575	
4 CSR 150-3.010	State Board of Registration for the Healing Arts		30 MoReg 791	This Issue	
4 CSR 150-3.060	State Board of Registration for the Healing Arts		30 MoReg 622	30 MoReg 1575	
4 CSR 150-4.055	State Board of Registration for the Healing Arts		30 MoReg 791	This Issue	
4 CSR 150-6.010	State Board of Registration for the Healing Arts		30 MoReg 622R 30 MoReg 622	30 MoReg 1575R 30 MoReg 1575	30 MoReg 1668
4 CSR 150-6.020	State Board of Registration for the Healing Arts		30 MoReg 623	30 MoReg 1575	30 MoReg 1668
4 CSR 150-6.025	State Board of Registration for the Healing Arts		30 MoReg 624	30 MoReg 1576	
4 CSR 150-6.030	State Board of Registration for the Healing Arts		30 MoReg 624	30 MoReg 1576	
4 CSR 150-6.040	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.050	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.060	State Board of Registration for the Healing Arts		30 MoReg 625	30 MoReg 1576	
4 CSR 150-6.070	State Board of Registration for the Healing Arts		30 MoReg 626	30 MoReg 1577	
4 CSR 150-7.135	State Board of Registration for the Healing Arts		30 MoReg 626 30 MoReg 1440	30 MoReg 1577	
4 CSR 195-3.010	Division of Workforce Development		30 MoReg 1322R 30 MoReg 1323		
4 CSR 195-3.020	Division of Workforce Development		30 MoReg 1328		
4 CSR 220-1.010	State Board of Pharmacy		30 MoReg 42 30 MoReg 1119		
4 CSR 220-2.010	State Board of Pharmacy		30 MoReg 42 30 MoReg 1120		
4 CSR 220-2.020	State Board of Pharmacy		30 MoReg 43 30 MoReg 1120		
4 CSR 220-2.050	State Board of Pharmacy		30 MoReg 48 30 MoReg 1123		
4 CSR 220-2.100	State Board of Pharmacy		30 MoReg 1534		
4 CSR 220-4.010	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.020	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.030	State Board of Pharmacy		30 MoReg 48 30 MoReg 1123		
4 CSR 232-1.040	Missouri State Committee of Interpreters		30 MoReg 791	This Issue	
4 CSR 232-2.030	Missouri State Committee of Interpreters		30 MoReg 792	This Issue	
4 CSR 232-3.010	Missouri State Committee of Interpreters		30 MoReg 793	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 232-3.030	Missouri State Committee of Interpreters		30 MoReg 793	This Issue	
4 CSR 233-1.040	State Committee of Marital and Family Therapists		30 MoReg 511	30 MoReg 1455	
4 CSR 240-2.061	Public Service Commission		30 MoReg 687		
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.130	Public Service Commission		30 MoReg 627		
4 CSR 240-3.135	Public Service Commission		30 MoReg 628		
4 CSR 240-31.010	Public Service Commission	30 MoReg 1435	30 MoReg 1617		
4 CSR 240-31.030	Public Service Commission		30 MoReg 1617		
4 CSR 240-31.050	Public Service Commission	30 MoReg 1435	30 MoReg 1618		
4 CSR 240-31.060	Public Service Commission		30 MoReg 1619		
4 CSR 240-31.080	Public Service Commission		30 MoReg 1619		
4 CSR 240-33.045	Public Service Commission		30 MoReg 573		
4 CSR 263-2.031	State Committee for Social Workers		This Issue		
4 CSR 263-2.045	State Committee for Social Workers		30 MoReg 796	This Issue	
4 CSR 263-2.047	State Committee for Social Workers		30 MoReg 796	This Issue	
4 CSR 267-2.020	Office of Tattooing, Body Piercing and Branding		30 MoReg 516	30 MoReg 1456	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-340.110	Division of School Improvement		30 MoReg 797R		
5 CSR 50-340.200	Division of School Improvement		30 MoReg 1620R		
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10 CSR 10-6.110	Air Conservation Commission		30 MoReg 1336		
10 CSR 10-6.360	Air Conservation Commission		30 MoReg 522		
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10 CSR 23-3.060	Geological Survey and Resource Assessment Division		30 MoReg 975		
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4 CSR 240-31.010	Definitions	30 MoReg 1435February 15, 2006
4 CSR 240-31.050	Eligibility for Funding—Low-Income Customers and Disabled Customers.	30 MoReg 1435February 15, 2006
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10 CSR 23-5.050	Construction Standards for Closed-Loop Heat Pump Wells	30 MoReg 760September 27, 2005
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12 CSR 10-23.428	All Terrain Vehicles Modified for Highway Use	30 MoReg 1491December 16, 2005
12 CSR 10-24.448	Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit	30 MoReg 1603December 29, 2005
12 CSR 10-405.100	Homestead Preservation Credit—Procedures	30 MoReg 603September 15, 2005
12 CSR 10-405.200	Homestead Preservation Credit—Qualifications and Amount of Credit	30 MoReg 604September 15, 2005
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13 CSR 35-80.020	Residential Care Agency Cost Reporting System	30 MoReg 1491December 27, 2005
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13 CSR 40-110.020	Federal Income Tax Refund Offset Fee	30 MoReg 605September 25, 2005
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13 CSR 70-4.090	Uninsured Women's Health Program	30 MoReg 1522December 27, 2005
13 CSR 70-4.100	Preventing Medicaid Payment of Expenses Used to Meet Spenddown	30 MoReg 1109October 31, 2005
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services.	30 MoReg 761September 27, 2005
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services.	30 MoReg 1605December 27, 2005
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services	30 MoReg 761September 27, 2005
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services	30 MoReg 1607December 27, 2005
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	30 MoReg 1525December 13, 2005
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19 CSR 30-81.030	Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities	30 MoReg 1608December 27, 2005
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19 CSR 60-50.430	Application Package	30 MoReg 1525December 30, 2005
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20 CSR 400-3.650	Medicare Supplement Insurance Minimum Standards Act	30 MoReg 1219.February 2, 2006
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20 CSR 700-1.145	Demonstrating Incompetence, Untrustworthiness or Financial Irresponsibility in the Conduct of Variable Life and Variable Annuity Business by Insurance Producers.	30 MoReg 1043January 1, 2006

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Orders****Subject Matter****2005****Filed Date****Publication**

05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	This Issue
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	This Issue
05-19	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	Next Issue
05-20	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	Next Issue

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04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533

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04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	29 MoReg 1791
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	29 MoReg 1792
04-28	Closes state offices Monday, January 10, 2005	December 6, 2004	29 MoReg 2256
04-29	Rescinds Executive Order 04-22	January 4, 2005	30 MoReg 147

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